

[28th February 1934]

Irrigation

Proposals of the Tank Restoration Scheme party with reference to the irrigation works in the Tinnevely Minor Basin.

722 Q.—MR. DANIEL THOMAS: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the Tank Restoration Scheme party has investigated and framed proposals in respect of the following three irrigation works in the Tinnevely Minor Basin, viz., (i) Vilathikulam tank and channel in the Vilathikulam group, (ii) Pulikurichikulam and Nambi Reddikal—First reach and (iii) Nambireddikal—Second reach;

(b) whether any and, if so, what action has been taken on the Tank Restoration Scheme proposals; and

(c) what the final orders passed on the proposals are with the reasons for the same?

A.—(a) Yes.

(b) & (c) A report has been called for.

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920, AND THE MADRAS ELEMENTARY EDUCATION ACT, 1920, FOR CERTAIN PURPOSES (BILL No. 2 OF 1934).

* The Hon. the PRESIDENT:—“The consideration of the Bill will now continue.”

Clause 30.

Section 68.

Mr. P. V. KRISHNAYYA CHOUDARI:—“Sir, I do not move for the restoration of sub-clause (i).^a We discussed the question yesterday at length.”

* The Hon. the PRESIDENT:—“The hon. Member cannot move it as a matter of fact. He will move his first amendment to sub-clause (ii).”

Mr. P. V. KRISHNAYYA CHOUDARI:—“Sir, I move—

‘Omit the sub-clause (ii) in the Bill as amended by the Select Committee.’

Sir, the object of my amendment is this: Now that two bifurcated district boards are going to have one health officer, as is contemplated by the Bill, his removal can be effected only if each board passes a motion to that effect by a two-thirds majority. No doubt the Government might like to have some security of tenure for their officers and I do not deny it. I also recognize the fact that although the existing boards have this power, not one single board has so far exercised it. Even then I would request the Government not to amend the existing rule. If we

^a Clause 30 (i).

Mr. P. V. KRISHNAYYA CHOUDARI:—

20 Restore the sub-clause (i) as proposed in the original Bill.

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make it necessary that both the boards should pass the same resolution to bring about the removal of the health officer, the health officer will try to win over one board and will not care for the other board or its president. Therefore, to have a check over the health officers and others, it is desirable to accept the vote of one board rather than insist on having the vote of both."

Mr. V. T. ARASU:—"I second it."

Rao Bahadur A. T. PANNIRSELVAM:—"Sir, all that the Select Committee thought it necessary to achieve was that before the Government could be forced to remove a health officer, his removal should be recommended by both the boards by a two-thirds majority. The object underlying my hon. Friend's amendment seems to be this: that with this provision there, the district health officer will have the temptation to please one board only and that when he is thus secure against removal, he will be further tempted to snap his fingers at the other board. But that seems to overlook this fundamental fact that, if even one district board by a two-thirds majority considers it necessary to pass a vote of no-confidence in a health officer, that would be a slur on the career of that officer. I am so sure no health officer in his senses would ever go to the extent of driving a district board to pass a vote of censure on him, because even if the other board should unanimously support him, I take it that ordinarily, a Government, which is interested in the proper administration of affairs in the local boards, would certainly call on the officer to explain why his conduct has been such as to force one district board to pass a censure on him. Therefore it seems to me that such a check is unnecessary. To fix a statutory obligation on the Government to take action even if they are satisfied that the procedure dictated to them is not correct is unreasonable. Such being the case, the contingency contemplated by my hon. Friend is extremely unlikely to occur. I think, therefore, it is unnecessary for him to press this motion."

* Sriman M. G. PATNAIK Mahasaya:—"Mr. President, Sir, my hon. Friend, Mr. Pannirselvam, practically supports the motion. He says that it is but natural and reasonable that a health officer who has lost the confidence of one district board should be removed from that board. Otherwise there will be difficulty felt in carrying on the work. So it is not necessary that we should wait till the other district board passes its no-confidence motion. Already there is sufficient safeguard provided in the Act by two-thirds majority being insisted on the no-confidence motion being carried. Therefore, he is practically supporting the motion. 11-15 a.m."

"Again, Sir, we have to bear in mind this fact. Suppose a no-confidence motion is passed by one district board, the health officer will secure the support of the other district board and continue to be the health officer, thus practically nullifying the effect of the no-confidence motion. So I request the Hon. the Chief Minister to accept the amendment."

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* Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—“Sir, this provision is made in the interest of economy. It will not be the case, or rather it will not be the general rule that in all cases, two or three district boards should have one health officer. It may be that in the beginning whenever a district board is in financial difficulty this method will be resorted to, simply to tide over the difficulty, as a matter of expediency and as a temporary measure. It will not be in every case that two or three district boards will have the services of the same health officer. Moreover, what is the necessity for one district board to pass a no-confidence motion without sufficient cause? I cannot understand this. For, if there is sufficient cause Government themselves would remove him whether both the boards agree or not. Any district board may, if it considers necessary, bring to the notice of the Government that the health officer is not working properly. In such cases steps will be taken for the removal of the health officer. But more often some boards, sometimes unnecessarily, on account of misunderstanding try to interfere in the duties of the health officer and cause trouble. And so as an additional safeguard this amendment is proposed.”

* The Hon. the RAJA OF BOBBILI:—“Sir, this alternative proposal was discussed at length in the Select Committee, and it was decided by a majority to have the alteration suggested in its report. Mr. Krishnayya Choudari himself has stated that no district board has taken advantage of this provision and on account of that I feel—and as a matter of fact also—there is no need for such a provision at all. Apart from this, whenever there is any conflict between the district board and the health officer, the matter will be brought to the notice of the Government, and if the latter feel that there is a real grievance they will remove the officer. Moreover, if one board passes a resolution of no-confidence, Government, in the interest of administration, would certainly consider the question of transferring the officer in question. So, I not only consider this motion to be unnecessary but undesirable also, since a person who is serving two boards would be sent out even at the instance of a single board. I therefore oppose the motion.”

* Rao Bahadur C. NATESA MUDALIYAR:—“Mr. President, Sir, I strongly support the Hon. the Chief Minister. Supposing the officer against whom the resolution is passed happens to be the health officer, what is to become of his fate? The health officer, by virtue of his office, will be asked to introduce measures in the interest of the health of the district board area, which may not be agreeable to the various people who compose the district board. For instance, I will cite a case which actually happened in Madras. There was a rule passed that no children should be allowed to ease themselves in the gutters in the street. (Laughter.) This rule became so unpopular that in the next city election, the opposite party went about the city and declared to the people, ‘you see, Justice Party people don’t allow your children to ease themselves in the gutters in the street; so don’t vote for their candidate.’”

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Due to this we lost several votes. When such is the case in the City of Madras in the case of a councillor, how much more should it be in the case of a health officer in the mufassal.

"Again take the case of smallpox. The health officer would naturally see that every patient is removed to the hospital, except in the case of those whose relations can take care of the patient and accommodate and segregate him properly so that the infection may not spread. This will naturally cause resentment, and thus he would become unpopular. Suppose one district board member interferes and the health officer does not agree with him. Naturally he will try to find fault with the health officer for each and every act. Sir, it is in this way the health officer will create for himself any number of enemies. As it is, in the Corporation the health officer does not please all the members of the Council. So one no-confidence motion by one district board is not enough; and even if two district boards pass resolutions I request the Government not to pay much heed to them, because no health officer can please all the members of the district boards and two-thirds of the board can easily become his enemies when he wants to enforce health rules rigorously. So I would appeal to Government to protect the health officer and save the health of the province unless the Government finds him incompetent."

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Sir, I am against the insertion of any provision for no-confidence motion being made in the Bill. The point we have to consider is whether we could expect a resolution to be passed by both district boards and if this provision would work successfully in practice. Will it not lead to an anomaly when only one board passes a motion of no-confidence. I quite realize that even apart from the passing of any no-confidence motion, if the district board president reports against the health officer to the Director of Public Health, the particular officer will be transferred. I consider the provision in the Bill, if not amended, will only lead to anomalies. Therefore, I request the Hon. the Chief Minister to accept the motion."

* Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, the amendment is purely based on my practical experience in my district. When each party is in power, some difficulty or other crops up. The party in power wrote several demi-officials to the Government, but still Government have not done anything in the matter. That is the reason why health officers have continued to be in one and the same place for several years together with all their vagaries. (Laughter.) On account of this practical difficulty I have brought forward this amendment. I know if a complaint is made to the Government about a health officer, one demi-official will do to set him aright provided the president is a ministerialist. But all the same I want to have a provision like this in the Bill.

"My point is that there should be no difference between the district board which is not bifurcated and the district board which is bifurcated.

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If both are treated alike, it will be good. If Government think of that there should be one health officer for each district board, why not they appoint a second-class health officer to district boards which are smaller in area and which cannot financially go in for a regular first-class health officer. They have been doing this in the case of municipalities. Considering these matters I only request and appeal to the Hon. the Chief Minister to reconsider his view and accept my amendment. If he still cannot concede, I only regret that he cannot see his way to do so."

The amendment was put and lost.

Clause 30 was put and carried.

Clause 31.

* The Hon. the PRESIDENT:—" Mr. Krishnayya Choudari and Mr. Ranganatha Mudaliyar cannot move their amendments." ^a

Clause 32.

Mr. K. KOTI REDDI:—" Mr. President, Sir, I move—
'to omit the proposed section 69-A.'

It seems to me, Sir, the Government have not made up their mind as to the necessity or otherwise of entrusting the question of supervision and inspection of the local boards. It is being recognized in all countries that education, particularly elementary education, is a national concern, and as such Government ought to think of more control over education. Even in England where local bodies enjoy large powers of independence, Government still interfere and exercise powers of control and supervision in the matter of education. In our own country it is still an experiment and it is entrusted to local bodies. But those of you who have gone into the question of elementary education, as it obtains in other Presidencies, particularly in Bombay, will be struck by the fact that they have realized the necessity for entrusting the work of supervision and inspection into the hands of the Government themselves. In the Central Provinces, the Government have strongly commented on the ill-qualifications of the local boards for the purpose of supervision and inspection, and I am told that the Ministers are taking away these powers from the local boards.

"Then again, Sir, in the United Provinces, where a similar system has been tried, there also much conflict and disharmony prevailed

^a Clause 31.

Section 69.

Mr. P. V. KRISHNAYYA CHOUDARI:—

23 Retain the clause of the original Bill.

Mr. A. RANGANATHA MUDALIYAR:—

24 Omit the word 'omitted' and substitute the following:—

"In sub-section (1) of section 69 of the said Act, before the words 'or District Panchayat Officer,' the words 'District Executive Officer' shall be inserted."

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between the two agencies with the result that Government have realized the necessity of taking back the work of supervision and inspection to themselves.

“ When such is the case, I cannot understand why the Gov- 11-30
ernment should not exercise powers of supervision and control by their a.m.
own departmental officers. What necessity has arisen for the change proposed in the Bill? It may be said that after all the section is a qualified section and that it only gives powers to the Local Government to ask the local bodies to make arrangements for inspection and supervision. The question that I want to raise is whether there is any necessity and whether it is desirable to ask the local bodies to take up the management and inspection and supervision of education, and whether it will not be right that in the interests of the people these things should be retained in the hands of Government. As I have already said the experience of other Provinces also goes to prove that it is better that Government take larger and larger powers of supervisions and control over education than entrusting such powers to the local bodies.

“ Then, let us consider the financial aspect. After all the number of pupils that study in the elementary classes of local board schools is only 31 per cent. If the Government are going to ask the local board to appoint officers for inspection and supervision, is it not a wasteful expenditure which they ask the local boards to incur? Then there are again panchayat schools and 2,000 of these have come into existence. There are also some special schools such as the schools for fishermen, and schools for police and criminal settlement. So if you ask the local boards to incur the expenditure for inspecting these schools, is it not a waste? Can we afford to waste our money like this especially when every one of us is trying to cut short our expenditure. Apart from financial considerations, the question is how far they (the local boards) will be in a position to manage this work themselves. My impression is—I have fairly large experience of them—that although I find that some of them are doing very good work, it is always better that Government should make up their minds as to the functions which these boards should be entrusted with and which it would be better, in the interests of the public, to take away from them. During elections—this is on record and there are Government statistics—these boards have their own officers for working during elections. During election time number of teachers are transferred from place to place and the Government reports clearly say that during election time the teachers are ordinarily used for election purposes. Is it the intention of the Government that by asking the local boards to have their own inspecting agency, they may appoint one of the officers of that agency for election work during election time? Think of a teacher who has been helping a taluk board president during election time. Is it fair, is it likely that that teacher would perform his function properly? I am only speaking from Government records. It is plain from their records—their own officer who

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drafted the report on the development of elementary education in the Madras Presidency—Mr. Statham—is of this opinion. That clearly shows that entrusting the work of supervision and control to non-official agency has not proved a success and it would be in the interests of proper administration if primary education, particularly the work of inspection is in the hands of Government. I ask the Government whether it is not proper when so many of their own officials not only in this Presidency but in other Provinces have definitely said that so far as education is concerned, especially in the matter of primary education, a large amount of control and supervision should be in the hands of Government, whether there is any necessity for making at this stage a provision conferring power on district boards to make their own arrangements for inspection and supervision? I have got many more things to say, but I think there will not be much use in quoting facts and figures from various reports of which I have taken a list. I believe there is absolutely no good of tiring my time and energy by quoting from the Government's own records. I only plead that the time has come when Government should think of taking over the powers of supervision and inspection in their own hands. I ask whether in the interests of expansion of primary and other kinds of education it is not proper that Government should have more vital control and supervision.

“ Apart from the question of finance if the Government are going to ask the local board to look after the inspection work by one district board educational officer it will not be possible for him to do all the work. In the district he must have other subordinate officials, probably one for each taluk. After all the Government have their own officers. There are inspectors and sub-inspectors in each taluk. Why should not the Government take the inspection and control of elementary education directly in their own hands especially when it is remembered that 80 per cent of the funds that are utilized for elementary education come from local boards? In the report they do not take into account the sort of progress with regard to other education. Even with regard to aided schools there is only one or two teachers and so there is not much expenditure for the Government by way of grants to these teachers. So there is no truth in saying that aided schools draw more money by way of grants. In fact except in the case of higher education, so far as elementary education is concerned, 90 per cent of the funds that are spent for elementary education comes from Government and why not they entrust the work of supervision to one department? It is not proper and it is uneconomical to have different agencies for the inspection and control of different schools, such as the aided schools, the taluk boards schools and schools under the management of Government themselves. I request the Government to seriously consider over this matter.

“ There is another aspect of the matter which is rather very important. Once you have this double system of inspection, one by Government inspectors and the other by district boards inspectors, there

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is always bound to be disharmony and difference of opinion between what the Government agency reports and what the district board agency reports. The Hon. the Minister may say that I am not correct. But I may say that is what is happening and it is reported there. Why should you allow that sort of work? Why should you be suspicious of your own men? If you believe that your officers can do this work properly and fairly, why should you be suspicious? If you are really suspicious of them, then let the Government agency go away once and for all and let the work be entrusted completely in the hands of district boards and be rid of the whole thing. Have only one agency and not two agencies which is quite undesirable and uneconomical. I hope the Government will see their way to delete this provision which is absolutely unnecessary. When once power is invested in the Statute it is likely to be misused. My point is there is really no necessity. There ought not to be any provision in that direction.

“There is only one other matter to which I wish to refer. It may be said that now that all the taluk boards are abolished and elementary education is entrusted to the district boards, unless these boards have some officers of their own, it will not be possible for the Government to look after the supervision of elementary education. I believe that it is possible. The inspecting agency now employed by the Government can easily look after the ordinary routine work and administrative affairs of education like transfer, giving leave, preparing pay bills and such other matters. The more important work connected with elementary education can be entrusted to the district education councils. This is also the opinion of experts. It is also the opinion of experts in other Provinces that Government should be merely advisory and ought not to interfere with the larger questions of policy. If it is only a question of Government being purely advisory, I do not see any reason why they should have this provision for employing another agency?”

Mr. G. SIMHACHALAM PANTULU:—“In seconding this amendment, I wish to say that the provision that is sought to be introduced by the Government will only lead to duplication of work. That is certainly not a measure which we can welcome, and much less when we have got such schemes as the Champion Scheme and so on which are under investigation. Unless we know what the Champion Scheme is going to give us when it is introduced it is no use creating number of posts and throwing the responsibility on the presidents of district boards. It will be a great confusion if we do so. Therefore I support the amendment moved by my hon. Friend, Mr. Koti Reddi.”

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—“I oppose this amendment.”

Mr. M. DEVADASAN:—“Mr. President, Sir, in supporting the amendment moved by my hon. Friend, Mr. Koti Reddi, and seconded 11-45
a.m.
by Mr. Simhachalam Pantulu, I wish to make a few observations. As we all know, in every district there are ten or twelve deputy inspectors

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of schools and one district educational officer. The cost of maintaining several officers like that is much more than can be easily borne by the Government at a time when economic depression faces every one of us and more so the Government. What these ten or twelve inspectors and one district educational officer cannot achieve, one more educational officer appointed by the district board will not succeed in achieving. Such an appointment would not only be a source of heavy expenditure but also it would be a duplication of offices. One of the objects of this Bill which has been moved by the Hon. the Chief Minister is to cut down the expenditure which taluk boards are now incurring in the matter of education as well as other matters. That being so, I do not find any reason for this duplication of educational officers which means heavy expenditure to the Government. The ten or twelve officers under the control of the Government who are now attending to elementary education are quite enough to supervise the schools of the boards.

“ There is a provision in the Bill for the appointment of an education standing committee. What is the education committee for if the members thereof are not going to supervise the schools in their charge and control the teachers working in those schools? If the members cannot take an active part in the administration of the district board, they will do well to leave education and other matters to be dealt with by the Government officers concerned. Then there will be no necessity for the members to sit on the board. They cannot claim themselves to be the accredited leaders of the people unless they care for the interests of the children of which they pose as the rightful custodians.

“ If I oppose this provision, it is only out of sheer conviction that this appointment is unnecessary and not out of a desire to obstruct the business of the House or to delay the progress of the Bill. The Government officers who exist at present supervise the schools run by taluk boards, district as well as other agencies. So far as the Tinnevely district is concerned, all the schools continue to be managed properly at present and the appointment of an additional officer, means only more expense. I warn the House that, if we appoint officers in this way and duplicate appointments, the Bill may not achieve the object for which it has been brought forward. I request the Hon. the Chief Minister to reconsider his view in this matter and to see that unnecessary expenditure is not incurred by the appointment of several unnecessary officers.”

* Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—“ Mr. President, Sir, I wish to draw the attention of the Hon. the Minister for Education to the state of affairs in the mufassal with reference to education and especially elementary education. We have got taluk board schools, aided schools and Government schools. The way in which several schools are being managed at present is sometimes very far from satisfactory. So far as the schools under the management of local bodies are concerned, there is no provision whatever for proper and efficient

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management of the schools. Of course, the papers connected with the management of the schools go, in the usual course of things, to the taluk board president or the district board president, and they dispose of them. But more than that, these presidents who have a large number of schools under them, many of which are situated far away from their headquarters, cannot get into personal touch with those schools, as, besides the large number of schools, they have various other matters to attend to as heads of the local bodies. Now, these presidents are also managing a number of secondary schools. There also, the touch between the correspondent, that is the president, district board, and the schools themselves is not as intimate as it should be. So that he is not in a position to manage the schools as efficiently as they should be managed. That has been my experience and I have heard several people say that that is their experience also. There should be some system of proper and efficient management and supervision. The question is whether, when you have so many Government officers inspecting these schools, it is necessary to have an additional district board officer for the purposes of supervision and thus duplicate the machinery. But it is clear that some sort of arrangement is necessary for the efficient management of these schools. For instance, if these deputy inspectors who are inspecting the Government elementary schools are made to manage and supervise the local bodies' schools also, probably the managers of aided schools might complain that they are partial to the public schools and that the aided schools are not being treated properly. Already there is a feeling like that. I submit that these are matters to which the Hon. Minister for Education should devote some attention and provide for a system of proper and efficient management for all kinds of schools with the existing establishment if possible and with a very little addition of officers, if necessary.

“As regards the provision for the appointment of an education officer contained in the Bill before us, I think it is a step in the right direction. At present there is practically no personal contact whatever between the head of the local body and the schools managed by him, except probably as my hon. Friend, Mr. Koti Reddi, mentioned, in the case of transfers or dismissals of teachers on account of election matters. That is probably all the personal contact there is between the two. I do not think, Sir, that this state of affairs should be allowed to continue. We want that there should be some stricter and closer control of these schools. The present provision only gives the option to the Government to appoint an additional officer when they think that the existing Government officers are not sufficient to do the work. The provision is made in a halting manner. Instead of saying, ‘may require, etc., it ought to have been said the Local Government shall require the local bodies, and so on. I think we should rather welcome the present provision rather than oppose it.”

* Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—“Mr. President, Sir, my hon. Friend who moved the amendment as well as those

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who supported him have altogether missed the point. Most of what they said is not relevant to the point and there seems to be a confusion of ideas in their minds. They have been constantly speaking of inspections while from the provision made in the Bill it is clear that this officer is intended for the management and supervision of these schools. There is a vast difference between 'inspection' and 'management.' Inspection is done by the departmental officers and they are not to do anything further. What the departmental officers do is simply to see whether the prescribed syllabus is being followed by the schools whether the schools observe the departmental rules, and then to fix the grant for which the schools will be eligible especially in the case of aided schools. They cannot therefore be entrusted with the management and supervision of these schools. At present the presidents of taluk boards are managing the schools and supervising their work. But as taluk boards have been abolished and their duties transferred to the district boards, the district board president cannot single-handedly discharge all the duties which several taluk board presidents had been discharging previously. Mr. Koti Reddi said that there are so many aided schools; who have been managing those aided schools, etc.? Each school has a manager to manage it. The Labour Schools are managed by the Labour Department and the Fisheries schools by the Fisheries Department. But what I want to point out is that management is different from inspection."

"My hon. Friend, Mr. Ramalingam Chettiyar, said that the Education Minister should take note of this state of affairs. I am afraid the Education Minister is not concerned with this. He is only concerned with the inspection of the schools by his district educational officers and inspectors to find out whether the schools follow the prescribed syllabus and observe the departmental rules, and to ascertain for how much grant-in-aid they are entitled. He is not concerned with the management of the schools. If the Government officers are to manage the schools, there are schools of various kinds and they cannot manage one category of schools alone."

"My hon. Friend also said that the schoolmasters were used as election agents and so on. Well, that is an additional reason why there should be a separate officer for the management of these schools. If a separate officer is appointed to manage these schools, the presidents will not be in touch with the teachers and they will not be used as their tools. Therefore I oppose the amendment."

MR. ABDUL HAMEED KHAN:—"Mr. President, Sir, as my hon. Friend, Mr. Ramalingam Chettiyar, said, it would have been better if the Government had made the appointment of an educational officer obligatory on the part of the district boards. There should be a separate officer to manage and supervise the work of these various schools under the district boards and it will not be possible for the district educational officer and the deputy inspectors to look to the management of these

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schools and supervise them themselves. The Government officers are intended to inspect the schools under local bodies and the aided schools. If they are expected to devote longer time to schools under public management, there will be some heart burning in and criticism from the aided schools. If the hon. Member, Mr. Koti Reddi, had moved that the schools should be taken over from the local bodies and managed entirely by Government, I would have been at one with him.

“ These local bodies are finding good deal of difficulty in the manage- 12
ment of these schools and in carrying on their administration properly. noon.
Time seems to have come, when, in my opinion, it will be better if there is centralization of elementary education in our Province. That general question should, I think, be discussed in connexion with the Budget discussion on the Education grant. I do not want to take up much of the time of the House except to state that it would have been better if the Hon. Minister had made it obligatory on the various local boards to appoint inspecting and educational officers so that the schools may be managed properly. Now we have taken away the supervision of the schools by the taluk boards and there is no other agency which will look after the various schools that are spread throughout the district. There must be some authority and a large number of supervisors to control the schools in various parts of the district. One of our objections we had for the abolition of taluk boards was that elementary education would suffer. If education should not suffer in the absence of taluk boards, it seems to be necessary that there should be sufficient number of officers who can reach the different and distant parts of the district very often and have efficient control over the schools, teachers and headmasters; otherwise I am afraid it will not be possible to have regular control. Hon. Members are aware that the deputy inspectors and district educational officers are not available at all times of the year to supervise these schools. It is not possible for them to inspect these schools more than once or at the most twice a year. When such is the case, I wonder how it will be possible to have regular control and supervision over these schools. I am afraid that the motion moved by my hon. Friend, Mr. Koti Reddi, does not hold much water.”

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR :—“ Mr. President, Sir, I should like to oppose this amendment. It is more a destructive amendment than a constructive one. The Mover of the amendment has forgotten that the clause provides both for management and supervision of elementary schools. If this clause is deleted, I do not know what his alternative proposal is for the management of these schools. Till now the management vested in the hands of the taluk boards and they have been proposed to be abolished. I cannot understand by what agency he would want the schools to be managed which are innumerable in number. As Mr. Abdul Hameed Khan observed, I am also in favour of the elementary education being entirely in the hands of the Government. If the entire management of elementary education is taken over by the Government, the whole Presidency will

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be indebted to them. But as long as it is not going to be, I think that some agency should undertake the management of these schools. Just like the district board engineers, district educational officers may be appointed by the Government, their pay being met by the Government. If that is done, the scheme for elementary education will have a better success than what it is to-day. Mr. Koti Reddi said that there would be duplication of work by having the officers contemplated in the Bill. In the first portion of his criticism he said that there is no need for the appointment of educational officers. Perhaps he has not understood the position correctly. The supervision exercised by the district educational officers of the Government is quite different from the management and supervision that will be exercised by the officer contemplated in the Bill. The Government district educational officer or the deputy inspector of schools may occasionally visit the schools and say that the number of teachers appointed are less, that the furniture is not adequate, that the school building requires repairs, etc. The supervision and management to be exercised by the officer contemplated in the Bill is quite different. He will have to attend to the everyday administration of the schools in a way which is entirely different from the supervision contemplated by the educational officers of the Government. For these reasons, I am for retaining the provision in the Bill."

* MR. DANIEL THOMAS :—" Sir, my hon. Friend, Mr. Koti Reddi, seems to have been already smothered by way of criticism from every section of the House. It may appear rather harsh on my part to fling another stone on his motion. But in view of the importance of the cause of elementary education in our Province, I wish to make a few observations on this matter. In connexion with the proposed abolition of taluk boards, two things are contemplated. One is the organization of village panchayats which would take the place of these taluk boards and bring the affairs of Local Self-Government into intimate contact with the daily affairs of the villagers. The second thing that has to be considered in connexion with the proposed abolition of taluk boards is the question of elementary education, the work of elementary schools which was till now, undertaken by the taluk boards and supervised by them. As a matter of fact, even our non-official taluk board presidents in certain districts have had the aid of certain supervisors for actually managing and supervising the affairs of these schools. Even apart from the non-official supervision, a certain amount of expert, enlightened and specialized assistance is necessary for the management of these schools. It is a well-known fact that the Government are spending large sums of money in the cause of elementary education in the districts, but they are not getting proportionate results and proportionate returns from these elementary schools; there is good deal of wastage; there is good deal of duplication and repetition in the maintenance of these elementary schools. In connexion with matters of this character, the assistance of a well-qualified special educational officer who will be in the know of these things and who will be

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able to draw up a districtwar scheme of elementary schools for the purpose of furthering the cause of elementary education would be a great asset to the district board concerned. It has been suggested that there would be cause for a certain amount of conflict between the Government educational agencies and the educational officers appointed by the district boards. But I would suggest that the functions of these two sets of officers should be entirely different. The Government educational officers go to these institutions as outside agencies for the purpose of testing, criticizing and assessing the work of these elementary schools. On the basis of their criticism and assessment the district education council sanctions grants given to it by the Government, so that the work of these educational agencies is confined to criticism and assessment rather than to the practical day to day management and guidance from within. As has already been pointed out by various Members of this House, these deputy inspectors are able to inspect these schools only once a year and they will not be able to do so more than twice a year at the most. The inspection for arriving at the actual assessment of the grant to be given to the schools, is made only once a year. If time permits and if there are conveniences and opportunities, the deputy inspectors may inspect these schools another time but this is not obligatory or compulsory. By the Hartog Committee which toured recently all over India, it has been pointed out that the Government supervision by these deputy inspectors is rather too meagre, much too small for the purpose of the effective guidance and conduct of these schools and that more of these agencies will be necessary if we are to get due return from these schools. This appears to me the opportunity and the occasion when a competent and specialized establishment should be provided for the purpose of managing and supervising these elementary schools so as to be of real use to us without there being any wastage. It has been mentioned that the Champion scheme is shortly to be considered and that is another reason why the appointment of educational officers by the district board will not be needed. But it appears to me that the Champion scheme involved various considerations, such as centralization of schools, coordination of local board schools with private-aided schools and placing the whole system of elementary education on a better and more efficient basis. For this, it appears to me that the services of an educational officer to be appointed by the district board would be extremely valuable. There are other considerations that have already been submitted by various Members. I would strongly oppose the motion of my hon. Friend, Mr. Koti Reddi, and press the Government that, though the provision is only optional, the discretion may be exercised liberally. I would impress upon the attention of the Government the desirability and the necessity for extensively availing themselves of the provisions of the section for the purpose of furthering the cause of elementary education all over the Province."

Mr. P. PEDDI RAJU :—" I move for closure, Sir."

The closure motion was put and carried.

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The amendment of Mr. Koti Reddi to omit section 69-A was put and lost.

* Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, I beg to move the following amendment:—

'In clause 32, after 69 (B) add a new paragraph as follows:—

"Two or more panchayats may form themselves into an association for mutual assistance for carrying out the objects in which they are jointly interested and contribute to it out of their funds."

I know there is a provision already in the Act for the appointment of joint committees. But that is not enough for the purpose of bringing into existence organizations for mutual supervision like co-operative unions."

* The Hon. the RAJA OF BOBBILI:—"Sir, although I will not oppose the idea underlying this amendment just now being moved by my hon. Friend, there are difficulties of incorporating this amendment in the Bill. The proper place would be section 30 of the old Act and that section is not sought to be amended by this Bill. In my opinion the amendment is not relevant to the section we are just now considering."

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Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"In the speech of the Hon. the Raja of Bobbili, he stated that he was in favour of providing for supervision of panchayats. The object of my motion is to bring into existence unions of panchayats on the same model as the co-operative supervising unions. Rules will, of course, have to be framed by the Government as regards the constitutions of these unions, the conduct of their proceedings, their powers, etc. My amendment is purely intended for the purpose of securing mutual supervision and for enabling the panchayats to contribute towards the joint cost of such supervision. It is not necessary for me to say much, because my amendment is, as I said, purely with this end in view that we want several panchayats to be clubbed together for the purpose of supervision, so that the better panchayats may help the weaker ones, as in the case of the co-operative societies. In view of the large number of panchayats in the Province, it may not be possible to make any provision for their supervision otherwise than in this way."

* Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"I second this motion. All that is asked for in this amendment is that certain panchayats should be allowed to form themselves into an association for the purpose of mutual assistance. As was pointed out by the Hon. the Chief Minister, there is already a provision in section 30 which says that 'a local board may, and if so required by the Local Government, shall, join with one or more than one, other local authority in constituting a joint committee'; but there, the permission of the Government is necessary. Therefore, I think it is very desirable to accept this amendment. If however such a provision is considered to be out

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of place here, there can be no harm in its being put in any proper place. As the Minister says that section 30 has not been touched by this Bill, there can be no objection I think in allowing that section to be amended as proposed. The usefulness of such associations is admitted even by the Hon. Minister. This amendment would increase the usefulness of these panchayats and therefore I second the amendment."

* Mr. K. A. NACHIYAPPA GOUNDER:—"Sir, in further supporting the motion before us, I want to point out that even now there are some associations which have been formed and are doing very useful work, but they suffer for want of due recognition. For instance, there is one of such a committee by name Sub-district Panchayat Committee at Namakkal in my district and it is doing very useful work. But that committee could not get the recognition of Government because of some technical difficulties in the Act. In this amendment, I think, Sir, it will be proper to introduce a provision giving recognition to such committees. I have also received representations from my constituency that such committees should be recognized and allowed to continue the good work they are now doing in the matter of improving the works and administration of panchayats. I therefore give my full support to this amendment."

* The Hon. the RAJA OF BOBBILI:—"My preliminary objection to the adoption of this amendment under this section, without touching section 30 of the main Act, still stands, Sir."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"If the Government are prepared to amend section 30, I have no objection. All that I want is a provision of this nature somewhere in the Act."

The Hon. the RAJA OF BOBBILI:—"So far as Government are concerned they have no objection to amend section 30; but they feel that that section not having been touched by this amending Bill, it may not be in order now to introduce this amendment."

Mr. P. PEDDI RAJU:—"It may perhaps be said: 'Notwithstanding anything contained in section 30, etc.'"

The Hon. the RAJA OF BOBBILI:—"That will be a question of drafting."

Mr. BASHEER AHMED SAYEED:—"Sir, I rise to oppose the amendment. The amendment speaks of an association—local boards combining into an association; that seems to be rather strange. Local boards can combine for carrying out certain common objects. They can appoint members to any common committee. But how can these panchayats combine? Further, is it the idea that this association should be a registered body, whether it should be brought under the Societies Registration Act? The words 'for mutual assistance' are very vague.

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What is meant by it is not clear and we cannot incorporate into an Act such vague terms as 'mutual assistance.' There is already section 30 which says that:

'A local board may, and if so required by the Local Government shall, join with one or more than one, other local authority in constituting a joint committee for any purpose in which they are jointly interested or for any matter for which they are jointly responsible.'

"That provision seems to be more than enough and adequate for the purpose for which my friend from Coimbatore wants this amendment. Moreover, the amendment itself is not in proper form. I do not think that local panchayats which are statutory bodies, can constitute themselves into an association. Then, there must be rules with regard to the constitution of these local panchayats into an association, how they should function, what their powers will be, how they should spend moneys, etc. All that will involve further complications and amendments to the rules. I do not think, Sir, this provision is necessary in view of section 30. As I said, what is this 'mutual assistance'—in which direction and for what purpose? If this amendment is for the same purpose as section 30, then that section 30 is quite adequate. I therefore oppose the amendment."

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"Sir, I think there is some force in what Mr. Basheer Ahmed Sayeed has said. It is certainly not desirable that this amendment is accepted by the House. The object of the amendment can be better achieved by a group of villages combining together. That will perhaps be more in order rather than these panchayats forming themselves into an association. I think such a thing is opposed to the policy of the Local Boards Act. I suggest that the hon. Member from Coimbatore may usefully substitute the words 'Two or more panchayats will form themselves into an association' by the words 'One or more villages' may form themselves into a panchayat.' I think that would serve the purpose. Therefore, I beg to oppose this amendment."

* Mr. T. C. SRINIVASA AYYANGAR:—"With your permission, Sir, I move that the consideration of this amendment be postponed till after lunch time, to enable further consideration by the various parties in the House, with a view to see whether the wording of the amendment can be more properly put or the object of it can be otherwise given effect to."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"I second it."

The Hon. the RAJA OF BOBBILI:—"I have no objection, Sir."

The Hon. the PRESIDENT:—"The question is that the consideration of this amendment be adjourned till after lunch."

The motion was carried.

Clauses 33 to 38 were put and carried.

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Clause 39.

New section 114-A.

Rao Bahadur T. A. RAMALINGAM CHETTIYAR :—“ Sir, I beg to move—
‘ that for clause 39, substitute the following :—

“ Section 114-A of the said Act shall be omitted.” ’

“ This involve the reinstatement of the words in the original Bill under this clause.

“ My reason for proposing that section 114-A as drafted by the Select Committee be omitted is that this is one of the clauses, as I was telling the Hon. the Chief Minister, which as originally drafted was quite alright but which, as redrafted by the Select Committee, was not an improvement in the right direction. The trouble is this: we are bringing into existence a large number of panchayats. Panchayats are not going to be constituted, as hitherto, only here and there; they are going to be the basis of our administration. I suppose the idea of the Government is that in every village there will soon be a village panchayat functioning. If that is the case, it is very necessary that these panchayats ought to be able to function with sufficient funds. It is not possible for any of the bodies to work at all without finance. Taking an average village in a dry district, the land revenue will be about Rs. 3,000. If three pies in the rupee on this amount are to be set apart for the expenses of the panchayat, I do not think it can even employ the services of a sweeper throughout the year. It is therefore necessary that their finances should be improved. Originally the Hon. the Minister proposed that six pies in the rupee should be given to the panchayats. Of course, we all contemplate that the district boards will be able to find funds in addition to give to these village panchayats after considering their other obligations and taking into consideration their own financial position at the time of the budget. I may say, Sir, that when I was in the Coimbatore District Board, we always made it a rule that the revenues of the district board should be set apart at least to the extent of Rs. 25,000 for rural water-supply and Rs. 25,000 for village roads. Some such arrangement will have to be made by each district board, and the district boards will have to find some money for the purposes for which the rural development fund is contemplated in the new clause 114-A.

“ But, to allot only three pies in the rupee for the ordinary expenditure of the village panchayat will practically mean leaving very little for their expenses. That is why I am proposing that the present clause 114-A as reported by the Select Committee may be deleted and six pies in the rupee be given to the panchayats out of the collections. Of course this proposal goes with the other proposal of mine, namely, that the appropriation of funds should be two-thirds to the district board

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and one-third to the village panchayats. I may say, Sir, that since giving notice of this motion, I had a talk with several Members on the other side also and I think that most of them sympathize with the object of my amendment. I hope the Hon. the Chief Minister will agree to the arrangement proposed in the amendment and accept the amendment."

* Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"Sir, I second this proposal because I agree with the principle underlying the amendment, but I feel, however, that the omission of the whole clause is not desirable. I see some confusion and vagueness in the clause, because it is said that under clause 114-A, one-sixth should go to the village panchayats and the other one-sixth should be constituted into a fund called the rural development fund. So, out of the cess collected in the villages, only three pies will go to the panchayats; out of the six pies collected in non-panchayat villages, three pies must go to the rural development fund and the other three pies to the district board. It is, therefore, necessary to consider this provision along with the provision in Schedule V and make suitable modifications. I hope, Sir, the Hon. the Chief Minister will consider these facts and do something to satisfy the requirements of the panchayats."

* The Hon. the RAJA OF BOBBILI:—"Mr. President, I take it that the intention and the purpose of the amendment moved by my hon. Friend, Mr. Ramalingam Chettiyar, is to delete section 114-A and replace in its place the proposals originally embodied in the Bill as introduced by Government, namely, that section 114-A be omitted and that the village development fund should be distributed between the panchayats and the district board, as stated in the original Bill and the schedule thereto. The proposals originally made were drafted after giving considerable thought to this question, but we felt as discussions went on in the Select Committee that the consensus of opinion was in favour of retaining the village development fund in another form. Since yesterday, from the opinions expressed by various people, Government feel that it is desirable to revert to the original position. I may state for the information of House that the Government after reconsideration favour the original proposal as it is in the Bill. It is now for the House to choose between the proposals embodied in the original Bill and those in the Select Committee's report. I am aware that there are many intermediate proposals between these two, and as far as the Government are concerned, they can consider only one or the other; and as it will be confusing the issue, we will not be in a position to accept any other intermediate proposals."

* The Hon. the PRESIDENT:—"I would like that similar amendments also might be discussed, so that we can come to some conclusions later."

A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920, AND THE 433
MADRAS ELEMENTARY EDUCATION ACT, 1920, FOR CERTAIN
PURPOSES (BILL NO. 2 OF 1934)

28th February 1934]

* **MR. P. V. KRISHNAYYA CHOUDARI**:—" Mr. President, Sir, I move—
'that sub-section (1) of section 114-A be omitted,'
for the following reasons:—

"The original Bill proposed that quarter anna should be given to the panchayat directly and instead of that we are now going to give half an anna. Instead of allowing that quarter anna to be paid directly to the panchayats in addition to what we were paying before, we have constituted a separate fund to be distributed by the rural development fund committee. During the discussions in the Select Committee, we explained our point of view that the constitution of such a fund would not be desirable in the interests of the various panchayats and some members have also argued that giving one-quarter anna to the panchayat is not sufficient as it would be only a paltry sum. My point is that if the one-quarter anna we have been giving is considered paltry, the other quarter-anna if it is added to that will bring in something more and I therefore see no point in the argument that that amount is not sufficient for the panchayats to manage themselves. As a matter of fact, several of the panchayats that have been organized and functioning in various districts are not entirely dependent upon this land-cess. They have got various other sources of income, by which they are in a position to run their administration. We therefore consider that the half-anna proposed to be given to them would materially benefit the panchayats. I am therefore in favour of the deletion of section 114-A (1).

"So far as section 114-A (2) is concerned, it will be found quite essential in the interests of rural development in non-panchayat areas. As a matter of fact, even at the time of the introduction of the Bill, the Hon. the Chief Minister stated that the panchayats are not progressing because the taluk boards come in their way. Now, this Bill provides for the district boards to come in their way and that is the very reason why I have given notice of an amendment to this section providing for the constitution of a rural development fund with the half-anna, because when once a panchayat is developed in a particular area, the district board must not be made to feel that it is losing its income by the existence of the panchayat board. According to this amendment even when a panchayat is not organized, the district board has to spend this half-anna even though it is not in favour of losing the amount. That is why the panchayats have not been progressing as the district boards come in their way obstructing their free development. Therefore the deletion of sub-section (1) of section 114-A will be very beneficial to the panchayats as a whole."

* **MR. A. RANGANATHA MUDALIYAR**:—" Mr. President, Sir, I beg to second the amendment moved by my friend Mr. Krishnayya Choudari. I am fortified in my opinion by the hope that I have of the Government accepting the amendment that was tabled a little earlier by Mr. Ramalingam Chettiyar and that is to seek permission for more than one

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panchayat to join together and pool their funds for the purposes of administration and to spend them subject to the rules and restrictions imposed by the Government. If that is accepted by the Government, the object we had in view will be achieved, namely, the amount collected and pooled into a fund may be allotted to the various panchayats according to the necessities of each case. In view of that I do not think there is any longer the need as I felt at first for this section 114-A (1) and I shall be willing to have this deleted. But, I should deprecate any attempt on the part of the Chief Minister that the first and second class should go together. I think he must make a distinction between two. So far as the panchayats are concerned, we are willing to have half an anna to be given to each village and so far as the non-panchayat areas are concerned, I do beg of the House to have a soft corner in their hearts for these areas. The agitation in regard to this clause is really due to those district boards where the panchayats have been organized on a large scale. There is no doubt about that whatsoever. We all know that for some time past, many have been disbanded because they did not function properly and new ones have been very slow to be started. Don't you think it is up to us to see that the money that is collected out of the non-panchayat villages is ear-marked for expenditure in those areas? I would therefore request the Hon. the Chief Minister not to precipitate matters by insisting that the whole thing should be taken together or dropped. Let the matter be put in two parts. We shall omit the first part and see if we cannot retain the second part."

* Mr. K. A. NACHIYAPPA GOUNDER:—" Mr. President, I move that—
'In line 2 of sub-section (1) after the word "villages" add the words "where there are panchayats"; and in line 3 before the word "rural" add the word "panchayat".'

"Sir, my object in moving these amendments is that the rural development fund which has to be constituted under this section should consist of two parts, one solely for panchayat areas and the other entirely for non-panchayat areas about which I have given another amendment and I will be moving it later on. I feel, Sir, that the panchayat, with the paltry cess contribution of 3 or 6 pies in the rupee of the land revenue, etc., of their village, cannot undertake to do any big work. It will be hardly sufficient even for looking to their daily needs. So, Sir, I feel that the fund that is to be constituted as panchayat village development fund shall be at their disposal for expenditure on works such as village roads, etc., in panchayat areas. The other fund which I propose, viz., non-panchayat rural development fund with greater contribution paid to it may cater the needs for non-panchayat areas. There are representatives of panchayats in the standing committee for rural development, and as there is no direct additional representation for non-panchayat areas on the committee. So

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I feel, Sir, that such a distinction is necessary and hence, I am moving this amendment."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"I second the amendment."

* The Hon. the PRESIDENT:—"I would like to inform the House 12-45 p.m. that it will be convenient to dispose of the amendment of Mr. Ramalingam Chettiyar. If it is not carried, then Mr. Krishnayya Choudari's amendment will be put. And if these two are not carried, the minor amendments that have been given notice of may be taken up one after another."

Mr. A. RANGANATHA MUDALIYAR:—"I would suggest that inasmuch as Mr. Krishnayya Choudari's amendment is a part of Mr. Ramalingam Chettiyar's amendment, if the former amendment is carried, then the other part may be moved by Mr. Ramalingam Chettiyar."

* The Hon. the PRESIDENT:—"We take the bigger amendment first and then dispose of the smaller amendments later on. That is the usual practice and there is no necessity for going beyond that now. I will now put Mr. Ramalingam Chettiyar's amendment to the vote of the House. The question is

'For clause 39, substitute the following, namely:—

"Section 114-A of the said Act shall be omitted." ' ' "

The amendment was declared carried. Mr. A. Ranganatha Mudaliyar demanded a poll and the House divided thus:—

Ayes.

- | | |
|--|---|
| 1 The Hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur. | 17 Mr. M. D. T. Ranganatha Mudaliyar. |
| 2 " Diwan Bahadur Sir M. Krishnan Nayar. | 18 Rao Bahadur A. T. Pannirselvam. |
| 3 " Sir Archibald Campbell. | 19 Mr. K. C. M. Venkatachala Reddiyar. |
| 4 " Diwan Bahadur S. Kumaraswami Reddiyar. | 20 " G. Ranganatha Mudaliyar. |
| 5 " the Raja of Bobbili. | 21 Khan Bahadur Yahya Ali Sahib Bahadur. |
| 6 " Mr. P. T. Rajan. | 22 Mr. M. Devadasan. |
| 7 Mrs. K. Alamelumangathayaramma. | 23 " N. Siva Raj. |
| 8 Diwan Bahadur V. N. Viswanatha Rao. | 24 Subadar-Major S. A. Nanjappa Bahadur. |
| 9 Mr. J. A. Thorne. | 25 Mr. M. Vedachala Mudaliyar. |
| 10 " H. M. Hood. | 26 " G. Sriramulu. |
| 11 Diwan Bahadur N. Gopalaswami Ayyangar. | 27 " P. C. Moses. |
| 12 Mr. R. Madanagopal Nayudu. | 28 " P. V. Rajagopal Pillai. |
| 13 " E. Conran Smith. | 29 " V. G. Vasudeva Pillai. |
| 14 " T. Sundara Rao Nayudu. | 30 " W. P. A. Soundarapandian. |
| 15 Rao Bahadur G. Jagannatha Raju. | 31 " P. Bayappa Reddi. |
| 16 Khan Sahib Syed Taj-ud-din Sahib Bahadur. | 32 Khan Bahadur T. M. Moidoo Sahib Bahadur. |
| | 33 Mr. P. K. Ramachandra Padayachi. |
| | 34 " G. Lakshmana Reddi. |

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Ayes—cont.

35 Rao Sahib V. Dharmalingam Pillai.	54 Mr. T. S. Ramaswami Ayyar.
36 Kumararaja of Venkatagiri.	55 „ V. T. Arasu.
37 Zamindar of Mirzapuram.	56 „ A. B. Shetty.
38 Mr. M. A. Muthiah Chettiayar.	57 „ M. A. Manikkavelu Nayakar.
39 „ Daniel Thomas.	58 „ Abdul Hameed Khan.
40 „ H. M. Jagannatham.	59 „ Basheer Ahmed Sayeed.
41 Rao Bahadur D. Krishnamurti.	60 „ U. C. Subrahmanya Bhatt.
42 Rao Sahib P. Subrahmanya Chetti.	61 „ K. A. Nachiyappa Gounder.
43 „ C. Jayaram Nayudu.	62 Pattagar of Palayakottai.
44 Diwan Bahadur A. Appadurai Pillai.	63 Mr. P. Peddi Raju.
45 Rao Sahib D. V. Narasimhaswami.	64 Diwan Bahadur M. Gopalaswami
46 „ Pandit Ganala Rama- murti.	Mudaliyar.
47 Mr. A. Harischandrudu Nayudu.	65 Mr. K. Koti Reddi.
48 „ A. McG. Q. Tampoe.	66 Rao Bahadur C. Natesa Mudaliyar.
49 „ K. Kesavaramamurti Nayudu.	67 Raja of Parlakimedi.
50 „ A. Ramakrishna Reddi.	68 Diwan Bahadur S. Ellappa Chetti- yar.
51 Dr. P. Subbarayan.	69 Mr. C. Basu Dev.
52 Mr. T. C. Srinivasa Ayyangar.	70 „ R. M. Palat.
53 Khan Bahadur Mahmud Schamnad Sahib Bahadur.	71 „ G. Simhachalam Pantulu.

Noes.

1 Mr. K. P. Raman Menon.	4 Mr. J. Kuppuswami Choudari.
2 „ A. Ranganatha Mudaliyar.	5 „ P. M. Thangal.
3 „ P. V. Krishnayya Choudari.	6 Rai Sahib C. Kolanda Reddi.

Neutral.

1 Mr. B. P. Sesha Reddi.	3 Mr. C. Indrayya.
2 Sriman M. G. Patnaik Mahasayo.	4 „ G. R. Premayya.

Ayes 71. Noes 6. Neutral 4.

The amendment was carried.

Clause 39, as amended, was then put and carried.

Clauses 40 to 52 were put and carried.

Clause 53.

Schedule V of the Act.

* Mr. K. A. NACHİYAPPA GOUNDER:—“ Mr. President, Sir, I beg to move the following amendment which stands in my name:—

‘ Add as sub-clause 53 (iv) the following:—

“ For rule 1-A of Schedule V after sub-rule ‘ n ’ add the following as sub-rule ‘ o ’:—

‘ the opening and maintenance of elementary schools.’ ”

28th February 1934] [Mr. K. A. Nachiyappa Gounder]

"My object in moving this amendment is that the elementary schools which are hitherto managed by the taluk boards should go to the panchayats. This question does not require very elaborate argument from me. It is repeatedly said that the very object of the present Bill which is now under our consideration is that the panchayats should improve in all matters and play the most important part in the local self-government arena. So it is needless for me to say that they must be given further opportunities and responsibilities in other spheres in which the public are much interested. The item of education is a very important one over which sufficient care should be bestowed. If schools are entrusted to panchayats, there will only be a very limited number of schools, to each panchayat and hence they will be in a better position to manage them in an efficient manner. Further it will minimise the confusion and competition caused by elementary schools working under different managements in the same village. The district boards will not be burdened with the management of a very large number of schools in the district, and they will be in a better position to bestow their undivided attention to roads and other amenities. With these words, Sir, I beg to move this amendment and I hope it will have support from all sections of the House."

Mr. BASHEER AHMED SAYEED:—"I second it."

* The Hon. the RAJA OF BOBBILI:—"Mr. President, Sir, it has been found that under the existing Act it is open to the district board or taluk board to transfer elementary schools with necessary contribution to the panchayats. Until some experience is gained as to how the abolition of the taluk boards would work, the giving of this independent power to the panchayats to maintain elementary schools may result in conflict between the district board elementary schools and the panchayat elementary schools. On principle Government have no objection to this amendment, but what we feel is that it is desirable to gain some experience of the working of the new Act under which we believe it is open to the district board to transfer elementary schools. So it will be better to consider this question later on. (Mr. Basheer Ahmed Sayeed: 'What about the non-panchayat areas where there are no schools?') In their case, the district board must maintain the schools."

* Mr. K. A. NACHIYAPPA GOUNDER:—"Sir, in view of what has been stated by the Hon. the Chief Minister and in the hope that the district boards will transfer schools together with necessary funds to panchayats in desirable cases for running the schools themselves, I beg leave to withdraw this amendment."

The amendment was, by leave, withdrawn.

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* MR. P. V. KRISHNAYYA CHOUDARI:—" Mr. President, Sir, I beg to move my amendment which runs thus:

"In the proposed rule 3 (1) in lines 8-12 for the words beginning with "of the district board" to the words ending with "opinion thereon," substitute the following:—

"consisting of one member from the panchayat, one from the district board and either the district collector or the revenue divisional officer having jurisdiction over the area".

"The object of this amendment is to constitute a committee to say whether a particular market is a district board market or a panchayat market, whether a particular choultry is a district board choultry or a panchayat choultry. To sit in judgment over the matter, both the panchayats and the district board will have to select their own members, and naturally when they constitute their own members, the judgment will be always in their favour. So, if we have one representative of the panchayat and one representative of the district board on this committee it will be better. When there is a dispute about the ownership of the property, say over a market or a choultry, the better way would be to constitute a committee giving representation to the panchayats as well as to the district board. We may have as a mediator, the revenue divisional officer who is not connected with either of these boards. I think this will be in the interests of both the panchayats and the district board. Now the Government have got the power to revise or alter a decision in such matters, and instead of giving scope for these revisions, etc., the better method seems to me to be that the panchayats and the district board by their representatives themselves decide the question. If we constitute this committee in the manner suggested, it will work smoothly without any need for interference by the Government. So I request the Hon. the Chief Minister to accept this amendment, as this would remove a practical difficulty which arises in the running of the administration. I hope he would accept it without much opposition, as there is no point in opposing it."

* The Hon. the RAJA OF BOBBILI:—" Sir, I am afraid I have to oppose this amendment. This motion is for a committee consisting of one member for each panchayat and one for the district board and either the Collector or the Revenue Divisional Officer having jurisdiction over the area. First of all, there is the objection to Government officers being in the committee because ultimately the Government will have to give their opinion on the dispute. Secondly, as proposed by the hon. Member, if each member of the panchayats in the district, or one member for each panchayat in the district is to be taken on to the committee, the committee will consist of 200 or even 500 members. It will be so unwieldy and unworkable. As a matter of fact, I feel there won't be many cases at all of this nature. Already in all

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other matters, the roads, etc., have been classified as that of the panchayats, the taluk boards and the district boards. All roads belonging to the taluk boards will be classified as that of the district board. All that belong to the panchayats will be that of the panchayats. The cases of dispute will be few and far between. Owing to the objections that have been pointed, I have to oppose the amendment."

* Mr. P. V. KRISHNAYYA CHOUDARI:—"There is nothing for me to explain. But I wish to bring to the notice of the Minister that he has not understood me, due perhaps to my not having made myself clear and definite. The panchayat has to elect only one man to constitute that committee. The disputes of all the panchayats won't come at a time and there need not be 200 or 300 members. Supposing there is a market, and the panchayat and the district board both claim it, then the dispute will arise between that panchayat and the board and in such cases only a committee will be constituted. The panchayats will send one man and the district board will send another. When they sit at one place, the Revenue Divisional Officer of that place, whomsoever he may be, will be an outsider and this committee will decide whether the market is that of the district board or the panchayat. Two hundred or three hundred members need not sit at all. With these words, I leave it to the Hon. Minister, to accept or reject it."

The amendment was put and lost.

* Mr. P. V. KRISHNAYYA CHOUDARI:—"I beg to move—

'In item (xiv), line 2, after the word "omitted" insert the following:—

"and in item (1) of rule 5 of Schedule V under the heading 'A—Village Funds' for the words 'one-sixth of the land-cess' the words 'one-third of the land-cess' shall be substituted'."

"The Hon. Minister has already supported it and I leave it to the House to accept it and I need not waste the time of the Council."

Mr. P. PEDDI RAJU:—"In seconding this amendment, I have to point out that there is some difficulty in drafting. The original clause in the original Bill should be substituted. The original clause runs thus:

'(xiv) in rule 5, in the opening paragraph, the words "taluk" shall be omitted and in item (1) under the heading "A—Village Funds," for the words "one-sixth of the land-cess" the words "one-third of the land-cess" shall be substituted.'

"In view of the amendments and the agreed amendment hitherto passed I think this amendment moved by Mr. Krishnayya Choudari and mine may be accepted, but the language ought to be 'substitute for clause 53 (xiv) the old clause in the Bill.' That will be the proper way to put."

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* The Hon. the PRESIDENT:—"The hon. Member may formally move it."

Mr. P. PEDDI RAJU:—"I move that sub-clause (xiv) of clause 53, substitute in rule 5, in the opening paragraph, the word 'taluk' shall be omitted and in item (1) under the heading 'A—Village Funds,' for the words 'one-sixth of the land-cess' the words 'one-third of the land-cess' shall be substituted."

* The Hon. the PRESIDENT:—"I think the hon. Member, Mr. Peddi Raju must have meant also the substitution of the next item in the original Bill."

* Mr. P. PEDDI RAJU:—"Yes, Sir, I move the following amendment:—

'(xv) In items (5), (7) and (8) under the same heading, for the word "taluk" wherever it occurs, the word "district" shall be substituted; and renumber the other items.'"

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

The Hon. the RAJA OF BOBBILI:—"I accept the amendments."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I withdraw my amendment."

The amendment of Mr. Krishnayya Choudari was by leave withdrawn and Mr. Peddi Raju's amended amendment was put and carried.

The Hon. the RAJA OF BOBBILI:—"On page 13 of the original Bill, I presume that also has been restored."

Mr. P. PEDDI RAJU:—"With your permission, Sir, this is an agreed amendment that has been omitted previously. I move formally that—

'Sub-clause (xix) of the original Bill be also restored.'"

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

The Hon. the PRESIDENT:—"The question is:

'For the existing sub-clause (xix), substitute the following:—

"in the same rule, the heading 'B—Taluk Funds' and the items thereunder shall be omitted and for the heading 'C—District Funds,' the heading 'B—District Funds' shall be substituted; and in item (1) under that heading for the words 'one-third of the land-cess,' the words 'two-thirds of the land-cess' shall be substituted'."

The amendment was carried.

Clause 53, as amended, was put and carried.

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Clause 54.

* Mr. K. A. NACHIYAPPA GOUNDER:—" Since it has been agreed Sir, that at present elementary education shall be with the district board, it is not necessary for me to move my amendments ^a with regard to Elementary Education Act, and they may be deemed to have been withdrawn."

Clauses 54 to 63 were put and carried.

The schedule.

(Transitional provisions.)

* Mr. K. A. NACHIYAPPA GOUNDER:—" I beg to move—

'In line 1 after the words "all property" add the following words "including the office and all other institutions belonging to the taluk boards together with all the employees therein".'

"I am very anxious Sir, that the interests of all the employees of taluk boards should be safeguarded, and so by moving this amendment, I think I can make their position secure. There is a great fear, Sir, in the minds of the employees working in the taluk board offices, that they will be thrown out of employment on the abolition of taluk boards. So, I think, Sir, that such a course may be stopped by adopting such an amendment. On the introduction of this piece of legislation, if all the office establishment of the taluk boards are to be thrown out of employment, it will be a very great hardship. Even if they are to be taken in service afterwards by giving preference, etc., they will be much affected, because many are holding pensionable posts. So it is necessary that they must have continuity of service. I therefore move the amendment."

Mr. ABDUL HAMEED KHAN:—" I second it."

* The Hon. the PRESIDENT:—" If the hon. Member's intention in moving this amendment is to take charge of the employees as well as the property of the taluk boards, he can move this amendment when rule 8 is reached. That will be perhaps the proper place to move it."

1-15
p.m.

Clause 54 (1).

^a Mr. K. A. NACHIYAPPA GOUNDER:—

43-G Add at the end of the clause the following:—

"And after the proposed sub-clause 1 (b) add the following as sub-clause 1 (c):—

'1 (c) In the case of panchayats such sums as may be prescribed by the Local Government for payment to each panchayat from the funds of the District Board'."

Mr. K. A. NACHIYAPPA GOUNDER:—

37-G In sub-clause XVIII (XIX as renumbered) in the last but one line for the words, 'five-sixths' substitute the words 'two-thirds'.

"The Elementary Education Act of 1920 shall be suitably amended in consonance with the above amendments."

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Mr. K. A. NACHIYAPPA GOUNDER:—"In that case, I shall withdraw the amendment now and move it later on."

The amendment was, by leave, withdrawn.

Rules 1, 2, 3, 4 and 5 were then put and carried.

Rule 6.

Mr. P. PEDDI RAJU:—"Mr. President, I move that—

'In rule 6, substitute the following for lines 2 and 3:—"holding office on the date of the commencement of this Act, who are not members of the district board on the first day of February 1934."'

"My object in moving this amendment, and for the matter of that my second amendment also to the same rule, is that the presidents of taluk boards who might have been presidents of taluk boards on 1st February should also be members of district boards and should continue as such subsequently too. With that idea I have moved this amendment. My hon. Friend, Mr. Pannirselvam puts the date as the 15th day of March. I have no objection to that also. (Rao Bahadur A. T. Pannirselvam: 'Wait for that.') I am replying to what will be done, because supposing he is a president to-day, the provisions as they stand, allow him to be a member of the district board. I think it is not just and equitable. So I say that he must have been holding office on the date of the commencement of this Act and must not be a member of the district board on 1st February 1934."

Mr. K. P. RAMUNNI MENON:—"I second it."

The Hon. the PRESIDENT:—"Mr. Pannirselvam also may move his amendment."

* Rao Bahadur A. T. PANNIRSELVAM:—"Sir, before I move my amendment, I should like to understand the exact scope of the present amendment which says that 'all presidents of taluk boards in a district holding office on the date of the commencement of this Act, who are not members of the district board on the first day of February 1934, etc.' I am not quite able to understand what the result would be if a particular gentleman holds office as the president of a taluk board at the commencement of this Act, and is not a member of a district board on the first day of February but becomes one between the first day of February and the commencement of the Act. Is he to have a double vote first as a member and next in his capacity as a taluk board president? That is a matter for elucidation."

Mr. P. PEDDI RAJU:—"Sir, the idea is this: As there can be no election before the coming into effect of this Act on 1st April, a provision of this kind is necessary. I believe my suggestion will carry out the idea of the Government also that there should be no election to the district boards at this stage."

A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920, AND THE 443
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MR. ABDUL HAMEED KHAN:—"Sir, I rise to oppose the very principle that is involved in this rule. I know that this rule has been incorporated in this Bill as a temporary measure. I am afraid, even for the purpose of adjudging the affairs created by this new legislation, the Government should not have departed from the larger principles involved in legislation. When once you abolish a certain institution—in this case the local board—it is to be understood that those hon. Gentlemen who are either members of that body or presidents, automatically go out of office. I fail to realize by what method or means and under what principles these gentlemen are going to be allowed to continue as such, transplanted as it were from the old institution into the new one which is going to be created by this legislation. The whole district board should go out of existence. There must be fresh elections to the new district boards. Even if there is any urgency for the abolition of the taluk boards, we should not give the go-by to the larger principles that are involved in questions like this. Even though for financial reasons we are obliged to rush through with this measure, the Government should not cast to the winds as it were the high principles that are involved in legislation. As I have stated, Sir, the Government, instead of allowing the presidents of taluk boards to become ex-officio members of district boards, ought to have insisted on their going out of office along with the taluk boards which go out of existence. It will otherwise be anomalous. I hope, as I said, the Government will not throw to the winds the excellent principle of election in their hurry to create the new bodies by means of this legislation."

MR. BASHEER AHMED SAYEED:—"Sir, the amendment of Mr. Peddi Raju does not make the position clear at all. I want to find out as to what exactly happens if a taluk board president holding office on the commencement of this Act becomes a member on the 1st February 1934. Does it mean, Sir, that he shall not be on the district board because he becomes a member after the 1st day of February 1934? That will be a very absurd position. He may be continuing as the taluk board president even after the commencement of this Act, but after the 1st February he might have become a member. He might not have been originally a member of the district board, but might have subsequent to 1st February become a member of the district board. Does it mean that that taluk board president, because he has become, subsequent to 1st February, a member of the district board, shall not hold office? These two parts of the rule go together. That means you are super-imposing a disqualification. You only contemplate such presidents of taluk boards as are not members of the district board on a certain date. If they become members after that date, in addition to their being taluk board presidents, to say that they shall not hold office, would be creating a very absurd position. I do not see why Mr. Peddi Raju should be so very anxious to deny

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the right of electing members when vacancies arise in the district board. If a taluk board president is also a district board member and resigns his membership because he wants to be there only in his capacity as taluk board president, "I do not see why the vacancy should not be filled up. It is as good a vacancy as any other casual vacancy. I do not see why such casual vacancies should not be filled up. There is certainly no valid reason for not filling it up. The only position of the Government seems to be this: that taluk board presidents who are members on a certain date should be on the district board. They do not probably want to add to the number on the district board. So they say that such taluk board presidents who are not already members of the district board shall be on the district board. They do not want to prevent vacancies being filled up and fresh members being elected. After all such conditions may not be more than one or two. But the logic involved in the amendment of Mr. Peddi Raju does not seem to be sound. I would therefore oppose the amendment."

The House then adjourned for lunch.

(After Lunch—3 p.m.)

* The Hon. the PRESIDENT:—"Discussion on Mr. Peddi Raju's amendment will now be continued."

* The Hon. the RAJA OF BOBBILI:—"Mr. President, Sir, the intention of rule 6 of the Transitory Provisions is that those taluk board presidents, who under normal circumstances would be sitting on the taluk boards on that date, should, after the abolition of the taluk boards, be made members of district boards. No doubt one of the points raised by Mr. Peddi Raju was that in the normal course of things, between these two dates, vacancies will occur and others will come in as presidents and to provide for such a contingency he wants his amendment to be accepted. I quite concede his point. But I want to say this: that it will not be possible to legislate against all contingencies. I am afraid, to accept his amendment would mean that it will be giving scope to taluk board presidents to take advantage of this provision, in resigning their seats and allowing others to come in in their place. I feel, Sir, that that was not the intention of the Government when they originally drafted this Bill; nor was that the intention of the Select Committee, which has further restricted the scope of the Bill. I, therefore, have to oppose the amendment."

MR. P. PEDDI RAJU:—"Sir, in order to avoid the difficulty which I have already pointed out, I suggest this amendment. After all there is not much difference between the idea of the Government and myself, and so, I would request you, Mr. President, to allow discussion on all the other amendments and finally put them to the vote of the House."

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* The Hon. the PRESIDENT:—" Mr. Krishnayya Choudari's amendment 45-A* is on a quite different principle altogether."

Mr. P. PEDDI RAJU:—" I am referring to amendment Nos. 45^b and 46^c."

* Rao Bahadur A. T. PANNIRSELVAM:—" Mr. President, Sir, the amendment of which I have given notice is that—

'In rule 6 of the transitory provision of the schedule substitute the words "16th day of March 1934" for the words "first day of February 1934".'

"Of course, a pertinent question may be asked, 'what charm is there in this date? One date is as good as the other.'"

Mr. ABDUL HAMEED KHAN:—" The Ides of March. (Laughter.)"

Rao Bahadur A. T. PANNIRSELVAM:—" Yes, the Ides of March. Apart from that it seems to me there is some force in having the date as the 16th of March 1934. For by that date we will know that this Bill has been passed by this House and it would only be awaiting the formal consent of His Excellency the Governor. As contrasted with this, if we fix the date as the first day of February 1934, it does not signify anything at all; for on that date the Bill had not been discussed by this House. So it is not advisable to fix a date prior to the discussion of the Bill by this House. It would be very arbitrary if we fix the date at the first day of February 1934. Further I really have no objection to taluk board presidents resigning and getting somebody elected in their stead. When once you accept the principle of taluk board presidents being made members of the district board, it would be only going one step further. It appears the Select Committee has considered that taluk board presidents should not be given an opportunity of getting somebody elected in their stead. And that is a matter which will come as a surprise to most of the taluk boards

Mr. P. V. KRISHNAYYA CHOUDARI:—

* 45-A After the word 'thereof' insert the following:—

'and where the presidents of the taluk boards are already members of the district boards, the concerned taluk board shall elect one of its members to be a member of the district board.'

Rao Bahadur A. T. PANNIRSELVAM:—

^b 45 In rule 6 of the transitory provision of the schedule, *substitute the words '16th day of March 1934' for the words 'first day of February 1934.'*

Mr. P. PEDDI RAJU,—

Diwan Bahadur B. MUNISWAMI NAYUDU:—

^c 46 In line 5, after the word 'thereof' add the following:—

"Provided a president of a taluk board who is a member of the district board on the first day of February 1934 is not entitled to resign his membership of the district board until the date of the commencement of this Act."

446 A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920, AND THE
MADRAS ELEMENTARY EDUCATION ACT, 1920, FOR CERTAIN
PURPOSES (BILL NO. 2 OF 1934)

[Mr. A. T. Pannirselvam] [28th February 1934]

now, and so I would fix the date at the 16th day of March 1934. Further, as I said just now, that will be a date subsequent to the passing of this Bill in this House."

Mr. ABDUL HAMEED KHAN:—"I second it."

* The Hon. the PRESIDENT:—"The two amendments are for the discussion of the House."

Mr. K. P. RAMAN MENON:—"Sir, I would prefer the original draft which says that all presidents of taluk boards in a district holding office on the date of the commencement of this Act shall be members of the district board. With reference to the date, 1st February 1934, I see no reason why we should accept it. In fact, Mr. Pannirselvam's suggestion would be more convenient, as by that date we would know where we are, as the Bill would have passed through this House and as it would be awaiting the formal consent of His Excellency the Governor. So I support the amendment of Mr. Pannirselvam to substitute 16th March for 1st February."

Mr. P. PEDDI RAJU:—"I withdraw my amendment in favour of Mr. Pannirselvam's amendment."

The amendment was, by leave of the House, withdrawn.

The Hon. the PRESIDENT:—"The question is 'in rule 6 of the transitory provision of the schedule, *substitute* the words "16th day of March 1934" for the words "first day of February 1934" '."

The amendment was declared lost, and Mr. P. V. Krishnayya Choudari demanded a poll and the House divided thus:—

Ayes.

1 Rao Bahadur A. T. Pannirselvam.	11 Mr. K. P. Raman Menon.
2 Mr. M. Devadasan.	12 " M. S. Sreshta.
3 Rao Sahib V. I. Muniswami Pillai.	13 " P. V. Krishnayya Choudari.
4 Mr. P. C. Moses.	14 " J. Kuppuswami Choudari.
5 " T. C. Srinivasa Ayyangar.	15 " H. B. Ari Gowder.
6 " A. B. Shetty.	16 " G. R. Premayya.
7 " Abdul Hameed Khan.	17 Rai Sahib C. Kolanda Reddi.
8 " Basheer Ahmed Sayeed.	18 Rao Bahadur R. K. Venugopal
9 " P. Peddi Raju.	Nayudu.
10 A. M. Ahmed Meeran Sahib Bahadur.	19 Mr. K. Koti Reddi.
	20 " G. Simhachalam Pantulu.

Noes.

1 The Hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur.	7 Mr. P. Bayappa Reddi.
2 " Diwan Bahadur Sir M. Krishnan Nayar.	8 Rao Bahadur G. Jagannatha Raju.
3 " Sir Archibald Campbell.	9 Mrs. K. Alamelumangathayaramma.
4 " Diwan Bahadur S. Kumaraswami Reddiyar.	10 Diwan Bahadur V. N. Viswanatha Rao.
5 " Mr. P. T. Rajan.	11 Mr. J. A. Thorne.
6 " the Raja of Bobbili.	12 " H. M. Hood.
	13 Diwan Bahadur N. Gopalaswami Ayyangar.
	14 Mr. R. Madanagopal Nayudu.

A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920, AND THE 447
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Noes—cont.

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| 15 Mr. E. Conran Smith. | 32 Rao Sahib V. Dharmalingam Pillai. |
| 16 „ V. M. Ramaswami Mudaliyar. | 33 The Kumararaja of Venkatagiri. |
| 17 „ T. Narasa Reddi. | 34 Mr. K. M. Duraiswami Reddiyar. |
| 18 Khan Bahadur Yahya Ali Sahib Bahadur. | 35 „ H. M. Jagannatham. |
| 19 Rao Sahib N. Siva Raj. | 36 Rao Sahib P. Subrahmanya Chetti. |
| 20 Subadar-Major S. A. Nanjappa Bahadur. | 37 „ C. Jayaram Nayudu. |
| 21 Rao Bahadur R. Srinivasan. | 38 „ D. V. Narasimhaswami. |
| 22 Mr. M. Vedachala Mudaliyar. | 39 „ Pandit Ganala Ramamurti. |
| 23 „ B. P. Sesha Reddi. | 40 Mr. A. Harischandrudu Nayudu. |
| 24 „ G. Sriramulu. | 41 „ K. Kesavaramamurti Nayudu. |
| 25 „ P. V. Rajagopala Pillai. | 42 „ A. Ramakrishna Pillai. |
| 26 „ V. G. Vasudeva Pillai. | 43 „ M. A. Manikkavelu Nayakar. |
| 27 Diwan Bahadur A. Appadurai Pillai. | 44 Rao Bahadur C. Natesa Mudaliyar. |
| 28 Mr. W. P. A. Soundara Pandian. | 45 Diwan Bahadur S. Ellappa Chetti-
yar. |
| 29 „ A. McG. C. Tampoe. | 46 Mr. C. Basu Dev. |
| 30 „ P. K. Ramachandra Pada-
yachi. | 47 „ R. M. Palat. |
| 31 „ G. Lakshmana Reddi. | 48 „ J. K. Metherell. |
| | 49 „ W. W. Ladden. |

Neutral.

- | | |
|--|--|
| 1 Zamindar of Mirzapuram. | 5 Sriman M. G. Patnaik Mahasayo. |
| 2 Mr. Daniel Thomas. | 6 Diwan Bahadur M. Gopalaswami
Mudaliyar. |
| 3 Khan Bahadur Mahmud Schamnad
Sahib Bahadur. | 7 Mr. C. Indrayya. |
| 4 Mr. K. A. Nachiyappa Gounder. | 8 „ M. B. Rangaswami Reddi. |

Ayes 20. Noes 49. Neutral 8.

The amendment was lost.

* Mr. P. V. KRISHNAYYA CHOUDARI:—“ Mr. President, Sir, I beg 3-15
to move that— p.m.

“ In rule 6, after the word “ thereof ” the following be inserted:—

“ and where the presidents of the taluk boards are already
members of the district boards, the concerned taluk
board shall elect one of its members to be a member of
the district board ”.

Sir, the Bill as it stands provides for taluk board presidents to become members of district boards. My request is that we should give to every taluk board an opportunity to represent itself on the district board. Let us give representation to all the taluk boards and thus maintain uniformity. My idea is that where there are several taluk boards, such of those taluk board members who are now in a position to represent their particular constituencies in the district board by virtue of their having been elected by their constituencies will not be able to represent them now in the district board. Once you give representation to one taluk board, there must be uniformity throughout the whole Presidency. Where the president of a taluk board is already a member of the district board, even then the taluk board can have representation from that board to the district board directly. I want

[Mr. P. V. Krishnayya Choudari] [28th February 1934]

that uniformity should be maintained throughout the whole Presidency. So, I request that Government should consider this aspect of the question."

Sriman M. G. PATNAIK Mahasayo:—"I second the amendment. My objection to the present provision of the Bill is that the taluk boards will be represented by the presidents only in their personal capacity. If it is meant that the taluk boards should be represented on the district boards, then the mere fact that the presidents of taluk boards in another capacity happen to be members of district boards should not go against taluk boards being represented by other persons. I want the Government to be reasonable. If it is meant that the president of the taluk board will be represented in his personal capacity, in that case no representation need be given for the taluk board. I do not think any principle is involved in that. In fact there ought to be election by the taluk board of a president of a taluk board who is now going to be taken as a member of the district board, if it is not contended that such a member is there only in his personal capacity. I think the Government will do well to explain their position. I want to know whether the Government are going to please or placate the presidents of taluk boards or they really want to give representation to the taluk boards. If the latter is meant then the motion that is now proposed should be accepted. If they want to please or placate the presidents of taluk boards, then of course the motion will be defeated."

* Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"The hon. Member has missed the point altogether. The principle involved in the provision is not to give representation to the taluk board, nor to add to the number of members on the district board, but simply to profit by the experience of the presidents of taluk boards who have been in charge of the various institutions of the taluk boards. When the district board newly comes into being, it should have the advantage of the past experience of taluk board presidents on various matters. It is with that object that taluk board presidents have been given representation on the district board and not to give representation to the taluk boards as such or to increase the number of members of the district board. I therefore oppose the amendment."

* The Hon. the RAJA OF BOBBILI:—"It must be pointed out that this amendment is unworkable. When the amended Act comes into force all the taluk boards will be abolished. It follows that taluk boards will not be in a position to elect their representatives to the district board. Of course, my hon. Friend, Mr. Patnaik, wanted me to state the principles on which the Government has given representation to the taluk board presidents. I may first say that the idea of providing representation to the taluk board presidents is not to represent the taluk boards as such. On three grounds we

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have decided to give representation to the taluk board presidents. One is, after the abolition of the taluk boards, there will be many matters where consultation with taluk board presidents—for example, many unfinished works, works given on contracts and other agreements, audit objections and so forth—will be advantageous and it was felt that the presence of taluk board presidents on the district board would be helpful during transitory stages. The second reason is that when some of the larger district boards are bifurcated it is desirable to have a larger strength on the district board. The third reason is that, when the taluk boards are abolished, the presidents of taluk boards should be provided with seats on the district board. Apart from these reasons, as I said at the outset, this amendment will be unworkable.”

* Mr. K. P. RAMAN MENON:—“ I agree with my hon. Friend, Mr. Choudari. Very often you will find that a person does not stand for election to the district board because he thinks that he can do well in a more restricted area. If, as a matter of fact, taluk boards are dissolved, there may be persons who may be more competent than persons who are returned to district boards to represent particular areas which they have been representing in the taluk boards, if as a matter of fact the idea is that there must be representation of the various taluk board areas which were represented in the taluk boards, then it would be much better to have a person elected by the taluk boards.

“ Then the Hon. the Raja of Bobbili said that the proposed amendment would be unworkable because the taluk boards will dissolve immediately this Act comes into force. That dissolution equally involves the idea of the president ceasing to be the president of the taluk board. Then how can a president of a taluk board be translated into the district board? I do not see any reason why a particular rule should apply in the case of presidents of taluk boards and another rule in the case of members of taluk boards. My hon. Friend, Mr. Schamnad, said that the benefit of experience gained by the presidents of taluk boards would be available. Of course, experience is not the monopoly of presidents of taluk boards alone. It is quite possible that the experience of other members will be perhaps better than that of the presidents. There may be ex-presidents who are members but who did not care to be presidents after a certain period. I know in certain instances their experience is available to the taluk boards. The Hon. the Raja of Bobbili also said that there may be unfinished work with reference to which it would be necessary to consult the taluk board presidents. With regard to unfinished works, certainly there will be some office records which will show what those works are and there may be officers connected with those proceedings who would be able to explain to the district board as to what stage a particular scheme has reached. Then another statement made by the Hon. the Minister was that it would be desirable that the district

[Mr. K. P. Raman Menon]

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boards should be extended. If I understood him correctly he said that because there might be larger areas it was desirable to have more members than at present. What objection is there and is there any reason that the presidents alone should go there? If, as a matter of fact, the expansion of district boards is one of the objects with which the presidents should be translated to the district board that reason equally applies to any member who is elected by a taluk board. He can certainly extend the district board and sufficiently represent the various interests in the various areas that constitute the district board. I submit therefore that this amendment should commend itself to the Government and that it ought to be accepted."

MR. BASHEER AHMED SAYEED:—"The arguments of the hon. Member from Malabar seem to be not convincing. The idea of the Bill seems to be that the taluk boards are going to be dissolved and that the presidents of taluk boards who may have gained experience and who are in a position to give advice should have representation during the transitory period. That being so, the idea will be fully served if the taluk board presidents or vice-presidents are taken in rather than to go in for other people and have them elected. Already there are in each district ten taluk board presidents—and ten must be the maximum—and if all the ten taluk board presidents are not members of the district board, and if another ten members will have to be elected it will really be unwieldy. The maximum strength of the district board members will be 54 and if 22 are added, that will make the figure 70 or 75 a little more than half of the Legislative Council. I do not think there will be any accommodation for this extra twenty men. I do not know whether it will be possible for the district board to hold meetings, and whether the funds of the district board will be sufficient to permit the extra payment of travelling allowance to these twenty members.

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p.m.

"The maximum might be twenty and the minimum will not be less than ten. Even with the minimum of ten, it will be making the strength of the district board 60 and 64. That will be a very huge number. If at all the purpose is to be served of taking in other people as a transitory measure, in cases where presidents of taluk boards are not already members of the district boards, the vice-presidents may be taken in. That will bring in only a very small number, because in many cases, it so happens that the presidents of taluk boards are already members of the district boards. And another reason and a weightier reason too, so far as I am concerned is, that in many of these taluk boards, the vice-president it is who really manages the whole affair. There are very many taluk boards—I have got figures, but I do not want to quote them here—where the presidents are merely figure-heads whereas the vice-presidents happen to be all in all. I know one or two district boards also where the presidents are mere figure-heads while the vice-presidents are *de facto* presidents. They

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carry on things more efficiently than presidents themselves do. These cases are well-known to the members of the House and I need not refer to particular instances. That being the case, it will be a healthier and saner view to say that wherever taluk board presidents are not already members of the district board, the vice-presidents who have got greater experience in many cases and who are actually in charge of the affairs of the taluk board should be appointed as members of the district board. That will add to the efficiency of the administration of the district board when its activities expand. Far from suggesting such a course, to say that another member should be elected to the district board which has already increased its number of members, will not really be a useful or feasible proposition. I would therefore say that if it is possible, the Hon. Minister in charge will abandon the method of election and provide that wherever presidents of taluk boards are already members of the district board, the vice-presidents may be taken in as district board members in order to enable the district board to function much better than it does now."

The Hon. the PRESIDENT:—"Mr. Madanagopal Nayudu."

Mr. R. MADANAGOPAL NAYUDU:—"I only wanted to move a closure."

Mr. BASHEER AHMED SAYEED:—"Closure motions are rarely moved when Bills are under discussion."

* Mr. M. S. SRESHTA:—"Mr. President, Sir, with regard to the objection of the hon. Member, I think it is merely a question of drafting and the wording can be so altered as to make it possible for the members of the taluk board to elect one of their number to the district board. I think it is best to err on the right side and have one more member on the district board rather than one less. As regards the second and third reasons, I think they also apply to the suggestion made by my hon. Friend, Mr. Choudari, that a member of the taluk board should be elected even when the president of the taluk board happens to be already a member of the district board. The president of the taluk board is there by virtue entirely of a different reason and I think both the taluk board and the people of the taluk will feel more satisfied if a member of the taluk board elected by the taluk board itself is on the district board not so much to represent the taluk board as to represent the taluk. As we are introducing a very drastic measure by which the taluk boards go out of existence, the people in the taluk may feel that they may not be sufficiently represented on the district board and that their needs may not be sufficiently represented to the district board. I think it will be gracious on the part of the Government to acquiesce in this recommendation. Moreover an elected member will be more responsible to the people of the taluk and he will be more earnest in his representation of the needs of the taluk

[Mr. M. S. Sreshta]

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than a person who *ex officio* becomes a member of the district board. I therefore hope that this will not be pressed to a division and that the Raja Sahib would accept the amendment."

Mr. V. M. RAMASWAMI MUDALIYAR:—"Mr. President, Sir, I am afraid that hon. Members are apt to forget that the rule under discussion makes provision only for the transitory period between the abolition of the taluk boards and the constitution of the new district boards after fresh elections. Therefore it is inevitable that certain interests may be overlooked. The main object of the provision seems to be to my mind—I do not make any secret of the discussion that took place in the Select Committee—to provide for representation on the district board for such taluk boards which are not represented on the district board either by their presidents or vice-presidents or other members. Since the taluk boards were going out of existence, it was thought necessary to make the experience of presidents of taluk boards available for the district board. It is with that object that this provision has been made. The complaint is that this does not reach the ideal which hon. Members expect. But of course, during a transitory period there are bound to be shortcomings. I therefore think that any expansion of the district board by the addition of members elected by taluk boards other than their presidents will certainly not be welcomed by the district boards themselves. I am expressing my own feelings in this matter when I say that any expansion of the district board beyond the present limits will be resented, because the larger the number the lesser the quantity of work turned out. I think hon. Members will agree with the main object of this provision."

The Hon. the RAJA OF BOBBILI:—"I just want to say one word in order to correct what the hon. Member, Mr. Sreshta, has said. He said that as taluk boards are going to be abolished, the taluks will cease to have any representation on the district board. I am afraid that that is not the position. Each taluk has now got its own elected representatives on the district board and the people of the taluk will not suffer for want of any representation on the district board."

The amendment was put and lost.

Rule 6 was put and carried.

The Hon. the PRESIDENT:—"I do not think, Mr. Nachiyappa Gounder's amendment^a will be in order after the discussion we have had yesterday on the bifurcation of district boards."

^a New rule 6-A.

Mr. K. A. NACHIYAPPA GOUNDER:—

46-A. After rule 6 add the following as rule 6-A:—

"6-A. Such of the district boards whose population is more than one million and whose revised income is more than fifteen lakhs of rupees shall be bifurcated."

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Rule 7.

* Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, I beg to move—

'that item (cc) of rule 7 be omitted.'

"Sir, I submit that even during the transitory period, there should be no nominations when the method of nomination was once for all buried under the Act of 1930 by the previous Ministers. It is not proper to revive that undemocratic principle again. When we expect nominations to be abolished even in the case of the Legislative Council under the new Constitution which is going to be very democratic and confer Provincial Autonomy, it is not desirable that we should go back to the principle of nomination even though it be for a temporary period. Not only that, we can run the district board administration even without resorting to nomination. At present there are elected members who represent the Depressed Classes and women on these district boards. When a board is bifurcated, these members can be made to represent their interests in both the boards. There is no harm in a procedure like that. Now there are several members representing two or three Universities, and there are members representing district boards and municipalities. When all these things are possible, why not the representatives of the Depressed Classes and women sit on both the boards for a temporary period of a few months? I know of a case where the president of the taluk board of Sattenapalle is also the chairman of the municipal council When the Act allows such things, what harm is there in providing that these representatives may sit on both the boards, instead of resorting to the retrograde step of nomination. If there is any difficulty or inconvenience in the suggestion I have made, I will throw out another suggestion. Now the members who are already elected represent the whole district. They may be divided into half and half and one member may be asked to sit on one board and the other member may be asked to sit on the other board. Even that is better than the method of nomination. There is another disadvantage also in resorting to the method of nomination. If the party in power wants to support a particular president of a bifurcated district board, they will dump their nominees to represent these communities and it will be most undesirable. It is better to allow the people concerned to elect their own representatives. If the Hon. Minister feels that the communities concerned should be given proper representation, he may order an election and as the election will be confined to members of depressed classes alone, it can be easily finished in a week or fortnight. There will be no expenditure also, I think. (An hon. Member: 'Women.') Yes, women representatives also can be elected easily. The people will prefer to have elected representatives even with a little difficulty, instead of allowing the Government to nominate their representatives. For these reasons, Sir, I move my amendment and request the Hon. Minister not to incur the odium of having reintroduced the method of nomination which was once for all buried."

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* Mr. K. A. NACHIYAPPA GOUNDER :—“ Mr. President, Sir, I have great pleasure in seconding the amendment moved by my hon. Friend, Mr. Krishnayya Choudari. I have myself given notice of a similar amendment. The method of nomination was considered to be an undesirable one with regard to local self-government institutions and it was rightly abandoned once for all by the Act of 1930. If we are to go back to the method of nomination now, it will not be conducive to the interests of local bodies and of the public. Much time in the very short normal life of many of the district boards will be taken up in bringing this Act into force, getting particulars ready, and then bifurcating district boards and forming new district boards wherever necessary. By that time, a number of district boards may end their normal life and new elections may come up. Then at these new elections the Government can use its power to issue notifications reserving certain number of seats for these communities in the new boards. There may be in some cases that before the new boards are constituted, there will be a short period in the middle. During that very short period, I do not think anything will be lost even if there is no representation for a particular minority community on some of these bifurcated boards. But if it is the desire of this House and the opinion of those representing minority communities that local bodies should not function even for a single moment without due representation being provided for these communities, I find, as Mr. Krishnayya Choudari has suggested, no objection to allow the present representatives of these minorities to function as members on both the boards. This will make it unnecessary for us to resort to the method of nomination, which has been condemned and abandoned once and for all. After all the district boards which are bifurcated will have very short lives. Besides all these, I may tell the Hon. Minister that if he is to have the power of nomination, pressure will be brought to bear on him from all sides and it will be very difficult for him to get out of it and do things in the proper way and I hope he will welcome this amendment to get rid of those botherations. So, I commend this proposition to this House so that the system of nomination which has gone out of the statute of local bodies should not be re-introduced again.”

* Rao Bahadur A. T. PANNIRSELVAM :—“ Sir, I do not for one thing accept as an axiomatic principle that nomination under all circumstances and in all state of things is undesirable. I do not deny and it has been more or less accepted that elections are preferable to nominations. But in this case we have to choose either between the Government exercising this power of nomination or the minority communities going without adequate representation during the transitory period. After all we are investing the Government with this power of nomination not for all time to come but only for the transitory period of a few months, at the most about 18 months, and that with the object of securing adequate representation to the minority communities. If this amendment had

A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920, AND THE 455
MADRAS ELEMENTARY EDUCATION ACT, 1920, FOR CERTAIN
PURPOSES (BILL NO. 2 OF 1934)

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been brought forward by one of the members of the minority communities, I might perhaps have understood it. It seems to me, Sir, that it comes—with due respect to Mr. Krishnayya Choudari—with ill-grace that a member of the majority community should think of trotting out the objectionable character, and things of that sort, in their desire and attempt to shut out the minority communities from having their proper share. My friend, Mr. Nachiyappa Gounder, observed that the heavens are not going to come down if the minority communities were not represented on the board. There again I should think it is for the minority communities to say whether it should be so or not. My hon. Friend, Mr. Krishnayya Choudari, put forth a very ingenious suggestion that the representatives of the minority communities—Depressed Class representatives, Christian representatives, etc.—shall be made members of both the boards. That overlooks the fact that representation to-day, though it is devised for the sake of securing certain representatives of the minority communities on the board, is essentially territorial and it is not communal. If it is only communal, then there would be no harm in asking people who were elected for one centre being asked to represent also the other centre; but here it is essentially a territorial election. For a man elected to the easternmost portion of a district to be the representative of the western end of the district would land us in absurdity. I would submit therefore that, in the interest of the minority communities, it is certainly necessary that some method should be devised of giving them adequate representation; because it might possibly happen, even with the very best of endeavours on the part of the Government that all the Depressed Class representatives to-day on a particular board might find themselves in one board all together while the other board may have no minority representation at all. To seek to remedy that evil by asking all these four people to go there and speak on behalf of the Depressed Classes would be a mere farce of representation; they would have to go there and speak without knowing anything at all about the state of things in the particular areas affected.

“Another very great evil was trotted out, that the Hon. Raja of Bobbili would be placing himself in a very embarrassing position of pressure being brought to bear on him from all sides. That is a matter on which he will be able to speak for himself and we the minority communities hope at least that he would be bold enough, strong enough, to resist all temptations and deal fairly and squarely with the minority communities. I oppose the motion of Mr. Krishnayya Choudari.”

Rao Sahib N. SIVA RAJ:—“Sir, I find that it is needless for me to interfere in this discussion after the very able and eloquent speech of my friend for the Christian Constituency from the south. He has very effectively pointed out that the object of those who move this amendment to delete this provision, is simply to shut out the representatives of the minority communities who would necessarily suffer on

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account of the bifurcation of the district boards and also on account of the abolition of the taluk boards. Once again I need not go into the question as to the value of representation by nomination and representation by election. I was one of those who held the view that whether or not a man is elected, his representation mostly depends on whom he represents and to what extent he actually represents them. The mere fact of election does not go to strengthen his representative character. Anyhow I shall not waste the time of this House by going into that question now.

“The first objection to this amendment is this; it seeks to delete the whole clause. I think my friend, Mr. Krishnayya Choudari, did not understand the exact scope of his own amendment, when he said that this section should be deleted. The consequence of the deletion of this section would be that there will be no representation at all—it does not matter whether by nomination or by election. I thought that he wanted representation by some sort or other; he said only that it ought not to be by nomination but by election. Now that the matter is fairly understood by all of us that there ought to be representation in the newly constituted boards, the only question now is whether that representation should be by election or by nomination. I have merely to state that, so far as we are concerned, our interests will be safe and we expect the Raja Sahib of Bobbili also to stand by us and see that the Government is given this power of nomination to make up for the loss of representation on account of the abolition of taluk boards.

“This point of view is very important. So far as members of our community are concerned, as long as these taluk boards were in existence, there were a certain number of men of our communities who had acquired certain status; these people will suffer by the abolition of these taluk boards; to make up for that loss, we not only expect that sufficient and adequate representation would be given to us in the newly constituted boards but that the loss would be made good by extra representation, by the Government.”

* Rao Bahadur C. NATESA MUDALIYAR:—“Mr. President, Sir, although Mr. Krishnayya Choudari moved the amendment that this clause should be deleted, the speech he made shows that there should be communal representation. He never meant what the amendment leads us to conclude. None. The only question is whether the representation should be by election or by nomination. I think we all admit that representatives of minority communities should be on the board. It should be communal and territorial. When one district board is separated into two boards, the boards have nothing to do with each other. So there is no use of sending in all the minority community representatives to one board and leave the other without any representation.

A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920, AND THE 457
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Again, why should we resort to election for a small period? It may be all right with the Christian members. But depressed classes and other minority communities will be put to unnecessary expenses to stand for election for this short period. I have to remind my friend, Mr. Krishnayya Choudari, that, on account of elections, according to Reforms coming next year, our Council has been extended; we are all nominated Members to-day. So, Sir, why not have nomination for these minority communities? "

Sriman M. G. PATNAIK Mahasayo:—" Sir, there is some confusion in the minds of previous speakers. There is no question of the minority communities not being represented. The only question is how they should be represented, and whether nomination is better. Mr. Natesa Mudaliyar said that we are all nominated Members now; though elected before, we should be treated as nominated Members now. All that Mr. Krishnayya Choudari said was let these people who are now on the district board continue to be on the bifurcated boards also. They would fulfil both the conditions; they will be elected as well as nominated. In that sense, there is absolutely no reason why his suggestion should not be accepted. On the other hand, what is proposed is that persons who were never elected by the people, would be put in there. That is nomination pure and simple. In the other case there is both election and nomination. What is suggested by my friend is much better than what is contained in the Bill. I cannot understand Mr. Pannirselvam saying that this is a mere farce. I think the principle of nomination is not liked by many people. What the amendment says is that, if these people are competent to represent the area from which they come, they can also represent the areas which are going to be separated afterwards. I do not think there is any reason why they should not represent people in the areas in which they do not reside. As you all know, residing qualification is given the go-by; because the president may go and live in any area; that principle has been accepted by the Select Committee. I do not see any reason why those people who were formerly elected by the people themselves should not be nominated to the bifurcated board also. Why should Government nominate persons who were never elected at all by the people? I think my friend's motion is quite reasonable. I do not see why members of the minority communities should stand up against this amendment, unless they want that some more members should have the honour of being members of these bifurcated boards. As far as safeguarding of their interests is concerned, that will be done very well by the very persons who are already on the board being on the bifurcated board also. Therefore it is now a question of having more persons getting into the bifurcated boards. I think the amendment makes very good suggestions."

* Diwan Bahadur A. APPADURAI PILLAI:—" Sir, as a member 4 p.m.
representing a minority community, I should like to add my support to

[Mr. A. Appadurai Pillai] [28th February 1934]

the opinion expressed by my hon. Friend, Mr. Pannirselvam. I submit that adequate representation can only be secured to the minority communities by having a provision such as the one that we find in the Bill, as amended by the Select Committee. Sub-section (1) of section 9 of the Act refers not only to Indian Christians and the depressed classes; it refers also to Muslims, Indian Christians, Adi-Dravidas, Europeans, Anglo-Indians or women. All these belong to minority communities and sufficient care has been taken in drafting this sub-section so as to conform to the provisions of sub-section (4), namely, that the total number of seats reserved in any local board under sub-section (1) shall not exceed one-fourth of the total strength. I believe, Sir, the Government, as a result of the power conferred on them by this transitory clause, will take care to see that duly qualified persons who are in a position to represent the needs of the community are nominated to the new boards. I do not think, Sir, that the words 'and to nominate qualified persons for such seats' will in any way swell the number of members on the district boards. Clause (a) of this clause clearly says that these provisions will apply to the new district boards. This would mean the district boards already existing and those to be newly carved out of them. If proper representation is to be given for the minority communities, I think this clause is absolutely necessary. The matter has been fully threshed out in the Select Committee and the Members of that Committee were of opinion that such a provision was essential. I have therefore very great pleasure in supporting the views of my friend, Mr. Pannirselvam, and opposing the amendment moved by my friend, Mr. Choudari. The argument that nomination of representatives of minority communities will make the district boards cumbersome and that therefore we should restrict such representation, is not valid. It comes with ill-grace from Mr. Choudari who just a short while ago advocated the inclusion in district boards of members thrown out of the abolished taluk boards, but would object to the inclusion of representatives from minority communities. I would appeal therefore to the hon. Members of this House that they should sympathetically consider the claims of the minority communities for due representation in the district boards."

* Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"Mr. President, Sir, the case for the representation of minority communities has been very well put by my hon. Friend, Mr. Pannirselvam, and others who followed him; but there is one point which seems to have been overlooked. This clause was not in the original Bill as introduced, but at the Select Committee stage, this matter was brought to the notice of the Hon. the Minister, and after long discussions, it was thought necessary to make such a provision in the Bill. The Select Committee itself consisted of nearly half the strength of this Council. The minority communities are very sensitive about representation on representative

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bodies, and as regards their privileges and rights. The Hon. Minister perhaps did not remember this important point when he originally prepared the Bill, but when at the Select Committee meeting it was found necessary to have such a provision, he readily agreed. It was said then that the heavens would not fall if representation was not given to the minority communities for a short time; but I say even if it is for a long time I am sure the heavens won't fall. The only point to be considered is, some important things may happen in these local bodies which may adversely affect the minority communities during this short period. To leave the minority communities without any representation is not a proper thing to do; when in all cases it may not be possible to have such representation by election, representation will have to be given by nomination. Therefore, Sir, I oppose the amendment."

* Mr. K. P. RAMAN MENON:—"Sir, I fail to see the reason for the flutter that has been caused among the members of the minority communities, because the gentleman who proposed this amendment has given notice of another amendment to clause (d) of this section where the position is cleared up. It is admitted on all hands that the minority communities should have representation in both the district boards. The objection seems to be that it may so happen that the representative of minority communities elected to the district board, may be relegated in future to one of the two boards in the district and that there may be consequently no person at all in the other board. That objection is met by the amendment of Mr. Krishnayya Choudari later on to clause (d). Again, Sir, I fail to see much force in the argument that when a new board comes into existence, the representative who sits in that board will represent only one-half of the district; because, Sir, when elections have already taken place throughout the district and the representative has been elected by the community distributed throughout the whole district, how can he cease to represent the other half of the district too? For example, supposing in the Malabar district a member of the depressed classes has been elected by the whole district; when Malabar is split into two, can it stand to reason that he has not been elected for the other half of the district but only elected to one-half of it? When once he has been elected by the entire population of the district, he will remain as their representative for both the halves. Therefore, I say, Sir, that the argument that he will not be taken as elected by the particular bifurcated board cannot stand to reason.

"I have, however, nothing to say in answer to the remarks of my friend, Mr. Pannirselvam, when he questions the very foundations on which nominations and elections are based. As to whether elections are as good as nominations or nominations are equally good as elections, I have nothing to say; but I believe it is too late in the day now to say that nominations are as equally good as elections.

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“ Another objection that was raised was that we might have nominations only for a short period. Exactly so; whether for short or long periods, why not we have elections instead of nominations? That is a question of principle. The electorate in the case of all communities can find out its best representatives and it will elect a person who will adequately represent the community which is sought to be represented. Again, Sir, Mr. Natesa Mudaliyar stated that the members of the depressed classes may find it difficult to cope with the elections on account of pecuniary difficulties, that they would have to go to all members of the community who may be spread throughout the district, in order to influence them in their favour. But, Sir, it is not likely that the expenses would be so prohibitive as to prevent an election being held for the representation of any particular community. If the amendments tabled by Mr. Kolanda Reddi and Mr. Krishnayya Choudari are read together with this amendment, hon. Members will see that the contingencies referred to by some Members, that the depressed classes would go without any representation, will not arise at all.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ Sir, as a matter of principle, I do not think anybody can gainsay that elections are better than nominations. But, Sir, we are now faced with certain facts. In the Select Committee it was feared that when districts were bifurcated, it might so happen that representatives of the minority classes as a result of distribution, would go out altogether, so much so that every district board might not have representatives of all minority communities. It was in order to meet this contingency that this transitory provision was granted in the Bill. Sir, various arguments have been adduced to show that elections are better than nominations. It is needless for me to enter into the merits of that question. I have however to point out that the amendment, as it stands, would lead to certain anomalous results. For instance, if a member of the depressed classes is asked to choose between one district board and the other, the Mover will have to bear in mind that there are certain communities which are represented only by a single body. For instance, if I may give a concrete example, in the district board of North Arcot, there is only one representative of the Indian Christian community; and if he is to go into one district board, then the other district board will not have any Indian Christian representative. If on the other hand the idea is that this member should be allowed to represent the community in both the boards, then it seems to me that we will be shutting out another representative of that community from coming into the other board, as he is entitled to. Sir, I do not share the fears of my hon. Friend from Tanjore, Mr. Pannirselvam, who got perturbed very much that members of the majority community . . . ”

Rao Bahadur A. T. PANNIRSELVAM:—“ On a point of personal explanation, Sir. I was not at all perturbed.”

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Mr. V. M. RAMASWAMI MUDALIYAR:—"I am glad, Sir, that he was not at all perturbed; but his speech seems to show so much agitation that I want to assure him that this House has on more than one occasion been anxious to safeguard as far as possible and to recognize the claims of minority communities, not only in local boards but in other bodies as well. I think that one argument almost clinches the whole matter. I agree with Mr. Natesa Mudaliyar that to expose the members of the minority communities to the trouble and vexation of elections at this stage when a good part of the tenure of office has expired, is preposterous.

"My hon. Friend, the Member from Malabar, has imagined a certain state of things and has argued that elections would not lead to any trouble. He seems to have taken it for granted that the electorate which is to elect representatives of the depressed classes and minority communities is constituted on a communal basis, which is not the case. The electorate which is to elect members of the minority communities is the general electorate composed of all communities, and they elect in a certain method, with a view to return a member of a particular minority community. Every voter in the division will vote for that election. Therefore, Sir, much of the force of the argument which was put forward that much expense would not be incurred by the representatives of the minority communities, is lost. I think that this again is a case of an inevitable limitation which is consequential in the transition stage through which the local boards are at present passing."

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"Mr. President, Sir, I regret very much that I have to oppose the amendment for one reason apart from the many other reasons given by other Members. I just want to point out one difficulty and that is this: the hon. Mover in moving his amendment said that the consolation would be that the existing representative would represent his community in both the boards; but my answer is that there may be this difficulty. Supposing he represents his community in both the boards and supposing there is to be a meeting of both the boards on one and the same day, how could he choose? I take it that the hon. the Mover of the amendment does not suppose that in such a case the representative can transform himself into two separate bodies and represent his community in both at the same time. That is an argument, Sir, which goes against his own amendment."

Mr. M. DEVADASAN:—"Mr. President, Sir, I want to make one 4-15
observation in regard to the question as to who are the proper persons p.m.
to decide whether nomination or election is preferable or not. All the members of the minority communities who spoke before me supported nomination and so there is no diversity of opinion so far as the members representing the minority communities are concerned. My hon. Friend,

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Mr. Raman Menon, who hails from Malabar, said that the electors of the whole district are to elect a member. Probably, he forgot that for the purposes of election, a district is divided into various circles or according to revenue divisions and a member representing an entire district has to seek the votes of one particular area which is reserved for a particular community and so there is no force in the argument that a member who is chosen for a particular minority community should be elected from the entire district. The provision in the Bill enables the members representing the minority communities to sit in the new board which may come into existence as a result of this Bill.

“My friend, Mr. Krishnayya Choudari, said that the members already representing the minority communities would very well become members of the new board. I would like in this connexion to ask him whether in case the meetings of the two boards are held on the same day at different places, the same member representing the minority communities will be able to attend the two meetings on one and the same day. Or, is he to send a deputy or a proxy to represent him in such a case. It is impossible.

“I should also support the principle that it would be unnecessary to ask the members of the depressed classes to seek the suffrage of the people only for short time. It is also an admitted fact that minority communities are not only in a minority, but they are also in a state of poverty. For this reason also, I say that nomination should be allowed to continue for the short period during which the bifurcated district board may last.

“The other fact that I wish to bring to the notice of the Council is this. I should think that the nominated member would be asked to discharge the same functions as an elected member and I am sure he would be able to discharge his duties in a more fitting manner than an elected member can possibly do. I believe that the choice of the Government in nominating a member of the depressed classes would prove to be much better than if members are elected by the people. With these few words I oppose the amendment moved by my hon. Friend, Mr. Krishnayya Choudari.”

* The Hon. the RAJA OF BOBBILI:—“Sir, I just wish to point out that the amendment now under discussion in the House seeks to delete the whole clause itself, whereas the discussion ought to be mainly confined to the principle of nomination or election. I presume that the majority of the Members who spoke on this amendment are not against giving due representation to the minority communities. The intention of the Government is not to permit members to attend two boards or three boards but to strengthen the representation of minorities. I submit, Sir, that it would facilitate our business if the next amendment also is moved and discussion takes place.”

A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920, AND THE 463
MADRAS ELEMENTARY EDUCATION ACT, 1920, FOR CERTAIN
PURPOSES (BILL NO. 2 OF 1934)

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Mr. M. Devadasan rose to move his amendment ^a (No. 48-B).

* The Hon. the PRESIDENT:—"As for Mr. Devadasan's amendment, I think if the present amendment which has been discussed mainly with the idea of election *versus* nomination is accepted, then this and similar other amendments need not be moved at all."

The Hon. the RAJA OF BOBBILI:—"Then, it is all right, Sir."

* Mr. P. V. KRISHNAYYA CHAUDARI:—"Sir, I want to bring to your notice that my amendment No. 50 relating to rule 7 (d) can also be discussed along with this, because what I have suggested in my previous speech refers to that amendment. There I have suggested that members of the depressed classes in one board can represent both the boards. Now, Sir, I would like to reply to these two together . . ."

Mr. BASHEER AHMED SAYEED:—"Before the hon. Member replies, I would like to point out that the clause as introduced by the Select Committee refers to two aspects. The minor aspect is the one that has now been discussed, namely, to nominate qualified persons for such seats, the Government takes the power to reserve seats in the new district boards as well. That is a point which has to be discussed and with regard to this there is an amendment by a number of members representing the depressed classes to the effect that 'subject to the provision in sub-section (4), etc.' be omitted and the words 'notwithstanding anything contained in' be substituted. That amendment seeks to nullify the power of Government in the matter of reserving seats for the new

^a THE SCHEDULE.

Transitory provisions.

Rule 7 (cc).

Mr. M. DEVADASAN,—
Rao Sahib V. I. MUNISWAMI PILLAI,—
Rao Bahadur R. SRINIVASAN,—
Rao Sahib Pandit GANALA RAMAMURTI,—
Mr. P. V. RAJAGOPAL PILLAI,—
Mr. DANIEL THOMAS,—
Rao Sahib V. DHARMALINGAM PILLAI:—

48-B In transitory provisions, rule 7 (cc), in line 4, *delete* the words 'subject to the provisions of' and *substitute* 'notwithstanding anything contained in.'

Rule 7 (d).

Mr. P. V. KRISHNAYYA CHAUDARI:—

50 In line 6, after the word 'office,' *substitute* the words 'in both the district boards.'

Rule 7 (g).

Mr. K. A. NACHIYAPPA GOUNDER:—

50-A *Omit* sub-clause (a) (1) in rule 7 and *renumber* sub-clause (ii) and (iii) of that rule as sub-clauses (i) and (ii) and from sub-clause (i) so renumbered *omit* the words 'whereby the operation of sub-clause (1) no person becomes the president of a district board.'

[Mr. Basheer Ahmed Sayeed] [28th February 1934]

district boards. According to the section Government have got the power of reserving 25 per cent and out of that, seats are allotted to various communities. The amendment of Mr. Devadasan means that this 25 per cent reservation should not be acted upon. That being the case, it will be worth while to discuss that amendment as well."

* The Hon. the PRESIDENT:—"The hon. Member may remember that when once a wider amendment is moved and if it is carried, even Mr. Devadasan's amendment will not come in. If it is not carried, then the question arises whether the power to reserve or not will have to be taken by the Government. In these circumstances, I will first put Mr. Krishnayya Choudari's amendment and if it is carried then nothing more can be done. If it is not carried then Mr. Devadasan's amendment may be moved."

Mr. BASHEER AHMED SAYEED:—"Then there is this danger, Sir. If it is carried, then the attempt to make the clause better and then passing an improved rule will be lost."

* The Hon. the PRESIDENT:—"The hon. Member will have to guard himself against the danger."

Rai Sahib C. KOLANDA REDDI:—"There is my amendment (No. 49), Sir, viz., that in the last line for the words 'nominate qualified persons for such seats,' substitute the words 'open them to election'."

* The Hon. the PRESIDENT:—"His amendment practically means the same as the amendment of Mr. Krishnayya Choudari who has already dealt with the question of nomination and therefore it is not necessary for him to move his amendment separately, but he is at liberty to speak upon the amendment."

* Rai Sahib C. KOLANDA REDDI:—"Mr. President, Sir, I should like to know that on principle whether this Council to which we all have the honour to belong should be progressive or retrogressive and whether we should go forward or backward. Now, Sir, in the year 1930, this House did away finally with the vice of nomination, either as a transitory provision or as a permanent provision. Say what you will, that in the womb of nomination there is the germ of corruption. Sir, entrust even a saint or Harischandra for the matter of fact with power of nomination, certainly he cannot but be tempted, at least he cannot but oblige his friends and perpetrate a number of vices in the shape of nepotism, favouritism, jobbery and what not. So, in order to avoid this fruitful source of evil, the Council wisely did away so long ago as 1930 with it. Now, are we after a lapse of four years to rake up the evil? This Council or its predecessors had to fight a long battle with this vice of nomination. In fact, there were four enactments about the local bodies and their administration. The first Act was in 1871;

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then it was all nomination of both presidents and members. Subsequently in 1884 there was an amendment, then there was all nomination or in the alternative partly nomination and partly election. Again in 1920, all nomination has been done away with once for all. There was then partly nomination and partly election. But it was found to be so bad that by 1930 in the Amendment Act it was finally done away with once for all. Now, Sir, in the light of these facts, are we, the Members of the present Council to disinter the thing that has been buried by its predecessor? Now, it is for you the Members of this Council to see whether it will not be a blot on the escutcheon of this Council. I wonder, Sir, whether there is any necessity for this vice of nomination being revived. For the matter of that, if some care is exhibited in the carrying out of the district, there will be equal distribution of the representatives of minorities as also of women. Now, Sir, if, perhaps in order to oblige or accommodate a friend, you carve out a district in a zig-zag manner, then there may be some difficulty. Even that difficulty can be obviated very easily. My friend, Mr. Pannirselvam, said that the circles for the representatives of minorities or women are very extensive in the districts. As a matter of fact, it is not so at all. In the districts, only certain circles are reserved for the representation of minorities or women. When there is a casual vacancy what is being done now? It is simply thrown open to election, and there will be an election as soon as there is any such vacancy. I wonder why the same *modus operandi* should not be adopted in the case of minorities as well as women. So, my point is that it would not be difficult at all. I say, Sir, and I am sure that all the Members of this House will agree with me, that erection, however bad or good it may be, is oftentimes better than nomination. The man elected will be a real representative of the people concerned. Whereas the man nominated will be a creature of his creator. We know the merits and demerits of election and nomination, and it is no good dilating upon the thing. If really we care for principle, certainly we ought not to revive the dead bones of nomination. And I submit that there is no difficulty. If really there is a will, there is a way. It would be very easy for the Government to do the needful in order to throw open the seats reserved for women and minorities to election. That is why I wanted that clause (cc) should be amended thus:

“ In the last line for the words ‘nominate qualified persons for such seats,’ substitute the words ‘open them to election.’ If the paragraph is amended as proposed by me, it will read as follows:—

‘For the purpose of giving representation to the communities referred to in sub-section (1) of section 9 and to women, the Local Government shall have power, subject to the provisions of sub-section (4) of that section, to reserve seats in the new district boards for such communities or for women and to open them to election.’

(An hon. Member:—‘Them’ means what?) ‘Them’ means reserved seats. So, there is no difficulty. I therefore earnestly request the Council to see the rationality of the thing and to adopt the most straightforward

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p.m

[Mr. C. Kolanda Reddi] [28th February 1934]

and easy course in the matter of throwing open the seats reserved for minorities and women to election instead of placing the power either in the hands of the Hon. the Chief Minister or any other human being for the matter of that. Of course, it is apparent that this provision as proposed by the Select Committee is on the face of it reactionary. But of course, it has been pleaded by that astute lawyer, Mr. Pannirselvam, that it is only for a few months and there is no harm in that. But I submit that principle is principle, and I say there is absolutely no difficulty whatsoever to have elections instead of these nominations. Elections won't take as much time as waiting upon the Hon. the Chief Minister and worrying him night and day and get an order of nomination. I think the Hon. the Chief Minister will be thankful to his stars if really he is rid of this bother of being entrusted with the power of nomination. So, for the good of the Hon. the Chief Minister and for the fair name of the Council to which all of us have the honour to belong and which we are proud of, I request all my friends in the Council to support this amendment."

* MR. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, as a matter of fact, it is I that brought this question to the notice of the Select Committee when they had entirely forgotten to consider it, in order to make some provision for the depressed class people. But my amendment should be taken along with another of which I have given notice and which is printed below on the paper. I am afraid Mr. Sivaraj has not noted that there is a provision that members already representing the district can be members of both the boards now. Already some friends have suggested that they cannot represent the new constituency. According to the present Act members already on the board are representing the whole district; though they come from a particular corner of the district they are representatives on behalf of the people for the whole district, which nobody can deny as the Act stands to-day. Now, as members representing the district boards, we are permitting them in the same manner to represent the people in both the boards when the district is bifurcated. This is not a new board constituted out of the jurisdiction of the present members that are already elected in the district.

"The next point which I want to refer to is this. Some members have put this question. 'Suppose there are two meetings of the different boards on the same day, how are the members to attend both? Which board meeting are they to attend?' Now, Sir, there are several members of the Legislative Council that are also members of district boards. How are these gentlemen attending the board meetings now? There are several members representing the taluk boards in the district board also. How are they now attending both meetings? Again, there are also some members of the District Educational Council; how are they representing the people in both bodies? So, there is such trouble

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always. On the 24th of this month there was a Senate meeting at Vizagapatam, and I could not attend it at all. One of the two must be chosen. We cannot attend all the boards on the same day. Generally such things will not occur frequently; we will have them only very rarely. So, it is not a material point on which we can stress very much. The member in such cases will have to choose which is the more important, or most important (if there are more than two) for the time being, when there is such an accident of two or more meetings being held at the same time. As a matter of fact, we can request the presidents, in such cases, to select another date, and most of the presidents of the district boards consult the convenience of the members, in fixing the date of the meetings. Moreover, Sir, this suggestion to introduce nominations again especially by gentlemen like the Raja of Bobbili and Mr. Pannirselvam who represented us in the Round Table Conference, it is not advisable for them to take that step now, especially at the present time when we are on the eve of further reforms with more privileges. So I request them not to press for nominations."

The amendment was put and lost. [Omission of clause (cc) of rule 7.]

The Hon. the RAJA OF BOBBILI moved:

'that in the line 3 of rule 7 (cc), after the word and figure "section 9," insert the words and figures "of the Madras Local Boards Act, 1920".'

Mr. E. CONRAN SMITH:—"I second it."

The amendment was put and carried.

Mr. M. DEVADASAN:—"Mr. President, Sir, I beg to move the amendment standing in my name which runs thus:

'In transitory provisions, rule 7 (cc) in line 4, delete the words "subject to the provisions of" and substitute the words "notwithstanding anything contained in".'

In moving this amendment I want to make a few remarks. We are now discussing the question of nominations, and I feel that nominations should be resorted to for some time to come. This fact, I think, has been admitted by this House. It is on that basis that I move this amendment. According to the original Act, some percentage of the strength of the local boards was reserved for minorities such as Anglo-Indian, Europeans, Depressed Classes, Christians and Women. And it is a recognized principle that the interests of the minorities should not in any way be jeopardized by the changes that may be introduced into the Act. Mr. Krishnayya Choudari said that when the Bill was being considered by the Select Committee, he brought it to their notice that there should be safeguards for the representation of minorities. Our thanks are due to him for this action, though he now comes forward and says that there should be no nominations. As we all know, these new boards

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that will come into existence will last for a short time, and during that time the Hon. the Minister and the whole Government should be empowered to choose such persons from among the minority communities as are able and qualified to represent minorities in the same way as they did in the past. In the past there was nomination and the members nominated to represent minorities played their part very well, and I hope in the future also during the life of the new boards that the members in whom the confidence of the Government is reposed in the matter of being nominated to the boards will play their part worthily and discharge their duties as nominated members satisfactorily and truly represent the communities for whom they are nominated. With these words, I move the amendment and I hope the Government will not have any difficulty whatsoever in accepting it."

Rao Sahib V. L. MUNISWAMI PILLAI:—"Mr. President, Sir, I have great pleasure in seconding the amendment proposed by my hon. Friend, Mr. Devadasan. The real object of the amendment is to increase the percentage of representation of the minority communities in these boards. Much has been said about the principle of nomination or election with regard to these boards, from the depressed classes and other minority communities. But knowing as I do the depressed classes, I must say that they have greatly suffered when the Act of 1930 came into operation. I was one of them and from my personal experience I can say it is not always possible for a community having such a low economic status to face elections. In this transitory period it must be the generosity of the Government and members representing various groups in the south to accede to our request that comes unitedly from the various minority communities. So, Sir, I think the House will accept this amendment."

* Mr. K. P. RAMAN MENON:—"Mr. President, Sir, first of all, I see an objection to this amendment. I believe it goes to the root of it. These are only transitory provisions. In the rules framed by Government under section 9, certain number of members is fixed for each minority community. Is it the function of a transitory provision to alter radically the main section regarding the percentage of such members of the minority community? That is one objection I see. I want to know exactly where I stand, in regard to that aspect. Then, if I understand rightly, while under the provisions of section 9 any number of members can be nominated to a particular district board or a bifurcated board, does it mean that it is within the competence of the Government to nominate any number even to the extent of swamping the original number that are in the board? Although I certainly think that this will not be done by any responsible Government. As to the merits of nomination and election, we have had a very long discussion. I have these doubts in the matter and I will be very glad if my friends opposite would explain the position, as I am unable to understand how we stand with regard to this amendment."

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* Rao Bahadur A. T. PANNIRSELVAM:—"With regard to the fundamental objection which, according to the hon. Member, is there, if I understand his point aright, it is this. The transitory provision cannot override the main provision or the principle of the Act itself. If the transitory provisions are not to serve this purpose of overcoming certain inconveniences which might arise out of the main provisions during the transitory period, I do not see the utility of the transitory provision at all. Their very object is to enable the various bodies constituted under the Act to get over the transitory state, overcoming certain difficulties which ordinarily might arise under the main Act. So far as the other argument is concerned, it seems to me, Sir, that it is almost a necessary corollary to the main provision itself. I say a necessary corollary for this reason. If this House has accepted that every minority community should be adequately represented in the new boards that will be set up in the place of the existing ones, it seems to me that such a provision is almost essential. Because, in the bifurcation of the district boards, it is just possible that one minority community, the Muhammadans, for instance, might be in one board, while to the other the depressed classes might be confined; so that, in one of the boards there will be Muslim representation, while in the other there will be depressed classes representation. It might also occur that the number of seats provided for the minorities is also equally divided the same as the full board, so that the full 25 per cent is covered by the members representing the minority communities. If we impose a restriction of 25 per cent and power is given to Government to nominate representatives of minorities, to make good any deficiency in the representation, it would be almost meaningless; it would be giving a power which Government could not use. We intend to give the power with a view to remedy the defects that might be found and this amendment is therefore essential. Therefore it is that I heartily support this amendment and I hope there will be no difficulty in accepting it."

* The Hon. the RAJA OF BOBBILI:—"Sir, the provision (cc) causes so much discussion on the floor of the House this evening. It was originally suggested by the Select Committee and if I am not giving away any secrets of the Select Committee, I believe it is my Friend, Mr. Krishnayya Choudari, who raised the difficulty of the minorities being adequately represented in the bifurcated district boards. Probably, I believe I am right in saying that his real intention was to make out a case for not bifurcating the district boards. But, unfortunately, he now finds that this provision has now taken a definite shape. It is a suggestion made by the Select Committee which has been accepted by Government. As regards this small amendment now moved by my Friend, Mr. Devadasan, Government have found considerable difficulty in giving adequate representation to the minorities within the limit of 25 per cent fixed by the Act. I believe

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I am right in saying that in the Budget discussion or questions, that point was raised by several Members representing minorities on the floor of this House. It will be found that, in some bifurcated district boards, if we add the taluk board presidents, the number will be 23 or 24. Sometimes there will be fractions, and it will not be possible to give adequate and sufficient representation to all the minorities mentioned in the Act. I therefore feel that if the representation we propose to give is to be adequate, it is necessary to remove this limitation. Of course, my hon. Friend, Mr. Raman Menon, has stated that it will be open to Government by nominating minority communities to completely swamp the district boards. No doubt, it has now become a fashion to say that whatever power is given, Government are going to abuse. I can assure hon. Members that Government can be trusted to act in a responsible manner in this respect. If the Government are to abuse their powers, there are many other powers, much more important than the amendment now under discussion. I therefore support the amendment of Mr. Devadasan."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Now, that the amendment is supported by the Chief Minister, I suppose it will be passed without division. But I must say one thing for the information of this Council that it was also considered in the Select Committee which was formed to amend the Act of 1921. When the maximum representation was fixed as one-fourth the minority community was given the right to contest elections. I think that aspect has been entirely forgotten. When the Members of the minority communities have a right to contest seat in the general electorate, I do not think they can take more than 25 per cent of the seats reserved for them in the general election. I only want to submit this for the information of the House. If the amendment wants that more than 25 per cent of the seats might, by reservation, go to minority interests and also that people of minority communities like Mr. Pannirselvam might come by election, it would mean that other communities will suffer. If that is the intention of the House, I have nothing more to say."

The Hon. the RAJA OF BOBBILI:—"Sir, I won't take much of your time. As for the apprehension expressed by the last speaker it will not arise, because it will be applicable as a transitory provision only to the next election of the district boards. There is no possibility therefore of any minority community being returned by the general electorate during this period."

MR. BASHEER AHMED SAYEED:—"My hon. Friend from Coimbatore has raised a very larger issue in having brought to the notice of the Council that the minority communities would be securing more seats than what is really assigned to them under the 25 per cent limitation. I would challenge my hon. Friends to show in how many boards minority communities have secured general seats. (Voices: 'Malabar

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and Guntur.) Malabar has got one-third of the population as Muslims and several taluks are entirely Muslim taluks. I do not want Malabar to be taken into consideration. Leaving it, out of the 25 districts, will the hon. Members be in a position to point out a single instance where these people have come by general election?

"I have to remind the House that a seriously detrimental mentality has crept in by the 25 per cent reservation. The moment there are reservations even though it may be for one or two, a mentality is created throughout the electorate that the minorities have got a seat by reservation and that they need not therefore vote for them. That has been the pernicious mentality created by Act of 1930 and the sooner it is got rid of, the better it will be for the minorities as well as the majorities. After all, the Hon. the Minister in charge of the local boards has rightly understood the grievances of the minority communities. I have always been opposing reservation. Either give them on the basis of their population plus some weightage which is just and fair, or we shall have no reservation.

"Sir, what is sought to be amended now is that which has been placed 'subject to the provisions contained in sub-section (4).' That ought to have been removed even at an earlier stage. This is but a temporary measure. If it is going to be removed as an experiment we can see how this 25 per cent limitation will be worked out. I consider that it is in the interests of the minorities that this 25 per cent reservation ought to go, and some other principle which is in the interests of the minorities as well as the majority, should be introduced. I am very thankful to the Hon. Minister for having appreciated the position of the minority communities and accepted this amendment."

The amendment was put and carried.

* The Hon. the PRESIDENT:—"To-morrow we shall deal with sub-clause 7 (d)."

The House will now adjourn and meet again at 11 a.m. to-morrow.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.